

# TOWN OF KIMBALL ORDINANCES

## INDEX

ORDINANCE 1	AN ORDINANCE TO PRESCRIBE THE FORM OF ORDINANCES FOR THE TOWN OF KIMBALL.
ORDINANCE 2	AN ORDINANCE TO REGULATE THE OFF PREMISE AND THE ON AND OFF PREMISE SALE OF BEER, ECT. ( <b>BEER</b> )
ORDINANCE 3	AN ORDINANCE TO CREATE THE OFFICES OF RECORDER AND TREASURER, ECT. ( <b>OFFICES</b> )
ORDINANCE 4	AN ORDINANCE TO PROHIBIT THE SALE OF FIREWORKS IN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL. ( <b>FIREWORKS</b> )
ORDINANCE 5	AN ORDINANCE TO REGULATE THE DISPOSAL OF WASTE WITHIN THE CORPORATE LIMITS. ( <b>WASTE</b> )
ORDINANCE 6	AN ORDINANCE TO REGULATE THE OPERATION OF MOTOR VEHICLES. ( <b>SPEED</b> )
ORDINANCE 7	AN ORDINANCE TO CREATE THE OFFICE OF CITY ATTORNEY. ( <b>OFFICES</b> )
ORDINANCE 8	AN ORDINANCE TO ESTABLISH AND PRESCRIBE THE MINIMUM STANDARDS FOR NEW STREETS. ( <b>STREETS</b> )
ORDINANCE 9	AN ORDINANCE GRANTING A FRANCHISE TO E.P. GOVAN, JR., D/B/A TELEVISION CABLE COMPANY. ( <b>CABLE</b> )
ORDINANCE 10	AN ORDINANCE LEVYING A PRIVILEGE TAX ON CARNIVALS, CIRCUSES AND TRAVELING SHOWS. ( <b>CARNIVALS, CIRCUSES</b> )
ORDINANCE 11	AN ORDINANCE AMENDING ORDINANCE 2. ( <b>BEER</b> )
ORDINANCE 12	AN ORDINANCE MAKING IT UNLAWFUL TO DISCHARGE FIREARMS OR OTHER DANGEROUS WEAPONS WITHIN THE TOWN OF KIMBALL. ( <b>FIREARMS</b> )
ORDINANCE 13	AN ORDINANCE APPROVING CONSTRUCTION OF AN INDUSTRIAL ACCESS ROAD. ( <b>STREETS</b> )
ORDINANCE 14	AN ORDINANCE IN REFERENCE TO THE PROPOSAL OF THE STATE OF TENNESSEE DEPARTMENT OF HIGHWAYS AS TO PROJECT SP-58007 2207-04 MARION COUNTY (CITY OF KIMBALL). ( <b>STREETS</b> )
ORDINANCE 15	AN ORDINANCE TO AMEND ORDINANCE 5. ( <b>WASTE</b> )
ORDINANCE 16	AN ORDINANCE REGULATING THE SALE OF FIREWORKS IN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL. ( <b>FIREWORKS</b> )
ORDINANCE 17	AN ORDINANCE IN REFERENCE TO MARION COUNTY CIVIL DEFENSE. ( <b>CIVIL DEFENSE</b> )
ORDINANCE 18	AN ORDINANCE TO ANNEX CERTAIN TERRITORY. ( <b>ANNEXATION &amp; ZONING</b> )
ORDINANCE 19	AN ORDINANCE TO ESTABLISH A TOWN COURT. ( <b>COURT</b> )
ORDINANCE 20	AN ORDINANCE IN REGARD TO RETIREMENT AND FEDERAL OLD AGE AND SURVIVORS INSURANCE. AMENDMENT TO ORDINANCE 3. ( <b>OFFICES</b> )
ORDINANCE 21	AN ORDINANCE TO ADOPT THE SOUTHERN STANDARD HOUSING CODE BY REFERENCE. ( <b>HOUSING CODE</b> )
ORDINANCE 22	AN ORDINANCE TO ADOPT THE SOUTHERN STANDARD BUILDING CODE BY REFERENCE. ( <b>BUILDING CODE</b> )

- ORDINANCE 23 AN ORDINANCE TO ADOPT THE NATIONAL ELECTRICAL CODE BY REFERENCE. **(ELECTRICAL CODE)**
- ORDINANCE 24 AN ORDINANCE TO ESTABLISH OCCUPATIONAL SAFETY AND HEALTH PROGRAM. **(OCCUPATIONAL SAFETY)**
- ORDINANCE 25 AN ORDINANCE TO ANNEX CERTAIN TERRITORY. **(ANNEXATION & ZONING)**
- ORDINANCE 26 AN ORDINANCE TO CLASSIFY USAGE OF CERTAIN PROPERTIES WITHIN THE TOWN. **(ANNEXATION & ZONING)**
- ORDINANCE 27 AN ORDINANCE TO PROVIDE THAT SWINE SHALL NOT BE KEPT OR ALLOWED TO ROAM WITHIN A CERTAIN DISTANCE OF A RESIDENCE OR COMMERCIAL BUILDING. **(ANIMALS)**
- ORDINANCE 28 AMENDMENT TO ORDINANCE 2 AND 11. **(BEER)**
- ORDINANCE 29 AN ORDINANCE REGULATING MOBILE HOMES AND PARKS. **(ANNEXATION & ZONING)**
- ORDINANCE 30 AN ORDINANCE REGULATING WHO SHALL BE ELIGIBLE TO RUN FOR OFFICE AND VOTE. **(OFFICES)**
- ORDINANCE 31 AN ORDINANCE CONTROLLING PAY OF BONUSES TO ELECTED OFFICIALS AND EMPLOYEES. **(OFFICES)**
- ORDINANCE 32 AN ORDINANCE TO CONTROL FRUIT STANDS AND OTHER STANDS SELLING GOODS WITHIN THE TOWN OF KIMBALL. **(FRUIT STANDS)**
- ORDINANCE 33 AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN LOAN REQUEST. **(OFFICES)**
- ORDINANCE 34 AN ORDINANCE AUTHORIZING EXPENDITURE FOR FINANCIAL AUDIT SERVICES. **(BUDGET)**
- ORDINANCE 35 AN ORDINANCE TO APPROPRIATE THE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978, TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT. **(BUDGET)**
- ORDINANCE 36 AN ORDINANCE LEVYING A TAX ON ALL TAXABLE PROPERTY IN THE TOWN OF KIMBALL, TENNESSEE, SETTING THE RATES THEREOF, AND PROVIDING FOR COLLECTION OF SAID TAX. **(PROPERTY TAX)**
- ORDINANCE 37 AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO CARDINAL CABLEVISION, INC. **(CABLE)**
- ORDINANCE 38 AN ORDINANCE TO REGULATE THE ERECTION, LOCATION AND CHARACTERISTICS OF SIGNS AND BILLBOARDS. **(SIGNS)**
- ORDINANCE 39 AN ORDINANCE DESIGNATING ALL MISDEMEANORS TO BE ORDINANCE VIOLATIONS. **(COURT)**
- ORDINANCE 40 AN ORDINANCE AMENDING CABLE T.V. FRANCHISE. **(CABLE)**
- ORDINANCE 41 AN ORDINANCE TO REGULATE THE USE OF THE SEWER SYSTEM OF THE TOWN OF KIMBALL: TO ESTABLISH A SEWER BOARD; TO REQUIRE THE USE OF THE SEWER SYSTEM; TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE. **(SEWER)**
- ORDINANCE 42 AN ORDINANCE LEVYING A PRIVILEGE TAX ON ALL BUSINESSES AND PROFESSIONS SUBJECT TO SAID TAX WHICH OPERATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL. **(BUSINESS TAX)**
- ORDINANCE 43 AN ORDINANCE SETTING THE PROPERTY TAX RATE FOR THE TOWN OF KIMBALL. (AMENDING ORDINANCE # 36) **(PROPERTY TAX)**
- ORDINANCE 44 AN ORDINANCE PROVIDING FOR MINIMUM STANDARDS FOR WATER LINES IN NEW SUBDIVISIONS. **(WATER)**

- ORDINANCE 45 AN ORDINANCE TO IMPLEMENT A TAX ON THE OCCUPANCY OF HOTEL AND MOTEL PURSUANTS. **(HOTEL TAX)**
- ORDINANCE 46 AN ORDINANCE TO ANNEX CERTAIN TERRITORIES. **(ANNEXATION & ZONING)**
- ORDINANCE 47 AN ORDINANCE SETTING A 30 MPH SPEED ZONE BETWEEN THE BATTLE CREEK BRIDGE AND CUMBERLAND VIEW CEMETERY. **(SPEED)**
- ORDINANCE 48 BUDGET FOR THE TOWN OF KIMBALL FOR FY 1981-1982. **(BUDGET)**
- ORDINANCE 49 AN ORDINANCE TO ANNEX CERTAIN TERRITORIES. **(ANNEXATION)**
- ORDINANCE 50 AN ORDINANCE TO AMEND ORDINANCE # 41. **(SEWER)**
- ORDINANCE 51 AN ORDINANCE TO ESTABLISH A GARBAGE COLLECTION FEE. **(WASTE)**
- ORDINANCE 52 AN ORDINANCE TO ESTABLISH A 30 MPH SPPED LIMIT FOR A PORTION OF U.S. HIGHWAY 41 THROUGH THE TOWN OF KIMBALL. **(SPEED)**
- ORDINANCE 53 AN ORDINANCE TO REGULATE ANIMALS RUNNING AT LARGE. **(ANIMALS)**
- ORDINANCE 54 AN ORDINANCE PURSUANT TO T.C.A., TO INCREASE THE NUMBER OF ALDERMAN FROM TWO TO FOUR. **(OFFICES)**
- ORDINANCE 55 AN ORDINANCE TO ESTABLISH FEES FOR CONNECTION TO PUBLIC SEWER SYSTEM AND ANY EXTENSIONS. **(SEWER)**
- ORDINANCE 56 AN ORDINANCE DESIGNATING THE MARION COUNTY REGIONAL PLANNING COMMISSION AS THE PLANNING COMMISSION OF THE TOWN OF KIMBALL. **(PLANNING COMMISSION)**
- ORDINANCE 57 AN ORDINANCE PROHIBITING LOITERING AND CRUISING IN CERTAIN AREAS. **(COURT)**
- ORDINANCE 58 AN ORDINANCE TO PREVENT FLOOD DAMAGE. **(FLOOD)**
- ORDINANCE 59 AN ORDINANCE TO REGULATE CONSTRUCTION, ERECTION, PLACEMENT AND MAINTENANCE OF SIGNS, ECT. **(SIGNS)**
- ORDINANCE 60 AN ORDINANCE TO AMEND ORDINANCE # 59 **(SIGNS)**
- ORDINANCE 61 KIMBALL ZONING ORDINANCE. **(ANNEXATION & ZONING)**
- ORDINANCE 62 AN ORDINANCE TO AMEND ORDINANCE # 61. **(ANNEXATION & ZONING)**
- ORDINANCE 63 AN ORDINANCE TO AMEND ORDINANCE # 59. **(SIGNS)**
- ORDINANCE 64 AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE KEEPING OF DOGS WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL. **(ANIMALS)**
- ORDINANCE 65 AN ORDINANCE TO AMEND ORDINANCE 59, 60 AND 63. **(SIGNS)**
- ORDINANCE 66 AN ORDINANCE TO AMEND ORDINANCE # 30. **(OFFICES)**
- ORDINANCE 67 AN ORDINANCE TO AMEND ORDINANCE # 22 **(BUILDING PERMITS)**
- ORDINANCE 68 AN ORDINANCE TO AMEND ORDINANCE # 21. **(HOUSING CODE)**
- ORDINANCE 69 AN ORDINANCE TO AMEND ORDINANCE # 23. **(ELECTRICAL CODE)**
- ORDINANCE 70 AN ORDINANCE TO PROHIBIT THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON OR IN PROPERTY OWNED BY THE TOWN OF KIMBALL. **(ALCOHOL)**
- ORDINANCE 71 AN ORDINANCE TO ESTABLISH COURT COSTS FOR THE MUNICIPAL COURT OF THE TOWN OF KIMBALL, TN. **(COURT)**

- ORDINANCE 72 AN ORDINANCE TO ADOPT FIRE CODES FOR APPLICATION WITHIN THE LIMITS OF THE TOWN OF KIMBALL. (**FIRE CODES**)
- ORDINANCE 73 AN ORDINANCE TO AMEND ORDINANCE # 56 SUBDIVISION REGULATIONS. (**PLANNING COMMISSION**)
- ORDINANCE 74 AN ORDINANCE TO AMEND ORDINANCE # 36 & 43 RELATIVE TO THE PROPERTY TAX RATE. (**PROPERTY TAX**)
- ORDINANCE 75 AN ORDINANCE TO AMEND ORDINANCE # 59, 60, 63 & 65 RELATIVE TO THE REGULATIONS OF SIGNS. (**SIGNS**)
- ORDINANCE 76 AN ORDINANCE TO ADOPT VARIOUS STANDARD CODES RELATIVE TO INSPECTION ACTIVITIES OF THE TOWN OF KIMBALL. (**BUILDING**)
- ORDINANCE 77 AN ORDINANCE TO AMEND ORDINANCE # 56 OF THE TOWN OF KIMBALL PERTAINING TO WATER SERVICE IN NEW SUBDIVISION DEVELOPMENTS. (**PLANNING COMMISSION**)
- ORDINANCE 78 AN ORDINANCE TO AMEND ORDINANCE # 2, 11 & 28 RELATIVE TO THE ON-PREMISE AND THE OFF-PREMISE SALE OF BEER OR OTHER BEVERAGES OF LIKE ALCOHOLIC CONTENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL. (**BEER**)
- ORDINANCE 79 AN ORDINANCE TO AMEND THE TOWN OF KIMBALL SEWER USE ORDINANCE TO REQUIRE THE INSTALLATION OF GREASE TRAPS IN SEWER CONNECTIONS TO DESIGNATED BUSINESS AND COMMERCIAL USERS. (**SEWER**)
- ORDINANCE 80 AN ORDINANCE ANNEXING THE JERRY HAWTHORNE PROPERTY. (**ANNEXATION**)
- ORDINANCE 81 AN ORDINANCE TO AMEND THE TOWN'S ZONING MAP AND TO CLASSIFY PROPERTY ANNEXED BY ORDINANCE # 80. (**ANNEXATION**)
- ORDINANCE 82 AN ORDINANCE TO DESIGNATE AN OFFICIAL DEPOSITORY. (**BANK**)
- ORDINANCE 83 AN ORDINANCE TO REZONE THE PARKER LAYNE PROPERTY. (**ANNEXATION & ZONING**)
- ORDINANCE 84 USER CHARGE SYSTEM ORDINANCE FOR THE TOWN OF KIMBALL, TENNESSEE. (**SEWER**)
- ORDINANCE 85 AN ORDINANCE TO AMEND ORDINANCE #71 OF THE TOWN OF KIMBALL, TENNESSEE, TO INCREASE COURT COSTS FOR THE TOWN OF KIMBALL MUNICIPAL COURT. (**COURT**)
- ORDINANCE 86 AN ORDINANCE TO ESTABLISH A TAX LEVY FOR THE CALENDAR YEAR 1992 FOR THE TOWN OF KIMBALL, TENNESSEE. (**PROPERTY TAX**)
- ORDINANCE 87 AN ORDINANCE ACCEPTING AND APPROVING A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO IMPROVE A PORTION OF STATE ROUTE NO. 150/2 FROM I-24 RAMPS TO THE SWITCH ROAD AREA IN THE TOWN OF KIMBALL, TENNESSEE. (**STREET**)
- ORDINANCE 88 AN ORDINANCE TO AMEND ORDINANCE #41, SECTION 2, OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING COMPOSITION OF THE TOWN'S SEWER BOARD AND DESIGNATION OF TERMS FOR THE MEMBERS OF SAID SEWER BOARD. (**SEWER**)
- ORDINANCE 89 AN ORDINANCE AMENDING ORDINANCE #41 AND #50 OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING THE SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE. (**SEWER**)
- ORDINANCE 90 AN ORDINANCE TO INCREASE COMPENSATION FOR THE MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE, TO AMEND ORDINANCE #31. (**OFFICERS**)
- ORDINANCE 91 AN ORDINANCE TO AMEND ORDINANCE #61, SECTION 3.040A, ARTICLES 1-3 AND ORDINANCE #62 RELATIVE TO THE ESTABLISHMENT OF RESIDENTIAL DISTRICTS OF LOW AND HIGH DENSITY AND THE DIMENSIONAL REQUIREMENTS THEREOF; AND AN AMENDMENT TO ORDINANCE #61, SECTION 3.040A, ARTICLE 4 (D) RELATIVE TO MOBILE

HOME SPACING REQUIREMENTS OF ESTABLISHED MOBILE HOME PARKS, ALL FOR THE TOWN OF KIMBALL, TENNESSEE. **(ANNEXATION & ZONING)**

- ORDINANCE 92 AN ORDINANCE AUTHORIZING THE EXTENSION OF EXISTING SALES TAX AGREEMENTS, AS AMENDED BY THE SALES TAX AGREEMENT AMENDMENT OF 1986-87, BETWEEN MARION COUNTY, JASPER, KIMBALL, MONTEAGLE, NEW HOPE, POWELLS CROSSROADS, SOUTH PITTSBURG AND WHITWELL, TENNESSEE, FOR AN ADDITIONAL TERM OF TWENTY (20) YEARS TO FUND A BUILDING PROGRAM FOR THE MARION COUNTY DEPARTMENT OF EDUCATION. **(EDUCATION)**
- ORDINANCE 93 AN ORDINANCE AUTHORIZING THE DISBURSEMENT OF FUNDS HELD IN THE MARION COUNTY SCHOOL BOND SINKING FUND PURSUANT TO THE TERMS OF THAT 1986-87 AMENDMENT TO EXISTING SALES TAX AGREEMENTS BETWEEN MARION COUNTY, JASPER, KIMBALL, MONTEAGLE, NEW HOPE, POWELLS CROSSROADS, SOUTH PITTSBURG AND WHITWELL, TENNESSEE. **(EDUCATION)**
- ORDINANCE 94 AN ORDINANCE TO AMEND ORDINANCE #90 REGARDING COMPENSATION FOR THE MAYOR AND ALDERMAN OF THE TOWN OF KIMBALL, TENNESSEE. **(OFFICES)**
- ORDINANCE 95 AN ORDINANCE TO RE-ZONE A PORTION OF THE PAULINE NABORS PROPERTY FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2 HIGHWAY COMMERCIAL. **(ANNEXATION & ZONING)**
- ORDINANCE 96 AN ORDINANCE TO ESTABLISH FEES FOR BUILDING PERMITS IN CONJUNCTION WITH THE SOUTHERN STANDARD BUILDING CODE. **(BUILDING PERMITS)**
- ORDINANCE 97 AN ORDINANCE TO AMEND ORDINANCE NUMBERS 2, 11, 28 AND 78 OF THE TOWN OF KIMBALL, TENNESSEE, REGULATING THE ISSUANCE OF BEER PERMITS. **(BEER)**
- ORDINANCE 98 AN ORDINANCE REGARDING MUNICIPAL FLOOD DAMAGE PREVENTION. **(FLOOD)**
- ORDINANCE 99 AN ORDINANCE TO AMEND ORDINANCE NUMBERS 37, 40 AND 56 OF THE TOWN OF KIMBALL, TENNESSEE, WITH RESPECT TO THE EXTENSION OF CABLE TELEVISION SERVICES TO ALL AREAS SITUATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE. **(CABLE)**
- ORDINANCE 100 AN ORDINANCE AMENDING ORDINANCE 67 AND 96 TO ESTABLISH FEES FOR BUILDING PERMITS AND TO AMEND CERTAIN LANGUAGE SET FORTH IN THE SOUTHERN BUILDING CODE. **(BUILDING)**
- ORDINANCE 101 AN ORDINANCE AMENDING ORDINANCE NUMBERS 71 AND 85 ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING THE ASSESSMENT OF COURT COST ON MATTERS HEARD IN THE MUNICIPAL COURT OF THE TOWN OF KIMBALL, TENNESSEE. **(COURT)**
- ORDINANCE 102 AN ORDINANCE AMENDING ORDINANCE #75 TO ELIMINATE TEMPORARY OR PORTABLE SIGNS WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE. **(SIGNS)**
- ORDINANCE 103 AN ORDINANCE AMENDING ORDINANCE #56 REGARDING DESIGNATION OF A PLANNING COMMISSION FOR THE TOWN OF KIMBALL, TENNESSEE. **(PLANNING COMMISSION)**
- ORDINANCE 104 AN ORDINANCE AMENDING ORDINANCE #82 TO DESIGNATE AN OFFICIAL DEPOSITORY BANK FOR THE TOWN OF KIMBALL, TENNESSEE. **(BANK)**
- ORDINANCE 105 AN ORDINANCE TO AMEND ORDINANCE #91 ADOPTED MAY 17, 1993 FOR THE TOWN OF KIMBALL, TENNESSEE, REGARDING MOBILE HOMES. **(ANNEXATION & ZONING)**
- ORDINANCE 106 AN ORDINANCE TO REPEAL ORDINANCE #56 AND TO DESIGNATE THE KIMBALL MUNICIPAL PLANNING COMMISSION AS THE SOLE PLANNING AUTHORITY FOR THE TOWN OF KIMBALL, TENNESSEE. **(PLANNING COMMISSION)**
- ORDINANCE 107 AN ORDINANCE ALLOWING THE ASSIGNMENT FROM PCI SUN CABLEVISION LIMITED PARTNERSHIP TO HPI ACQUISITION CO. LLC, A DELAWARE LIMITED LIABILITY COMPANY, OF THE NON-EXCLUSIVE FRANCHISE GRANTED BY ORDINANCE NUMBERS 37, 40 AND 99. **(CABLE)**

- ORDINANCE 108 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE. (**ANNEXATION & ZONING**)
- ORDINANCE 109 THE 1996-97 BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE. (**BUDGET**)
- ORDINANCE 110 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE. (**ANNEXATION & ZONING**)
- ORDINANCE 111 AN ORDINANCE TO CLOSE THOSE UNOPENED PORTIONS OF LYONS STREET LADD AVENUE, AND BOYD STREET LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY OF JOANN ROBERTS WARREN. (**STREETS**)
- ORDINANCE 112 THE 1997-98 BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE. (**BUDGET**)
- ORDINANCE 113 AN ORDINANCE TO INCREASE THE PLANNING COMMISSION FROM FIVE TO SEVEN MEMBERS. (**PLANNING COMMISSION**)
- ORDINANCE 114 AN ORDINANCE TO AMEND ORDINANCE #94 REGARDING COMPENSATION FOR THE MAYOR AND ALDERMAN FOR THE TOWN OF KIMBALL, TENNESSEE. (**OFFICES**)
- ORDINANCE 115 AN ORDINANCE TO AMEND TOWN OF KIMBALL, TENNESSEE, SEWER USE ORDINANCE TO INCREASE THE ANNUAL FEE FOR GREASE TRAPS OWNED BY DESIGNATED BUSINESS AND COMMERCIAL USERS. (**SEWER**)
- ORDINANCE 116 AN ORDINANCE TO AMEND ORDINANCE #51 INCREASING THE GARBAGE COLLECTION FOR THE TOWN OF KIMBALL, TENNESSEE. (**WASTE**)
- ORDINANCE 117 AN ORDINANCE TO AMEND ORDINANCE #114 REGARDING COMPENSATION FOR THE MAYOR AND ALDERMAN FOR THE TOWN OF KIMBALL, TENNESSEE. (**OFFICES**)
- ORDINANCE 118 VOID
- ORDINANCE 119 AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO ALLOW FOR THE REPLACEMENT OF SINGLEWIDE MOBILE HOMES IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE. (**ANNEXATION & ZONING**)
- ORDINANCE 120 THE 1998-99 BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE. (**BUDGET**)
- ORDINANCE 121 AN ORDINANCE TO ADOPT A PURCHASING POLICY FOR THE TOWN OF KIMBALL, TENNESSEE. (**PURCHASING**)
- ORDINANCE 122 AN ORDINANCE TO ESTABLISH A TAX LEVY FOR THE CALENDER YEAR 1998 FOR THE TOWN OF KIMBALL, TENNESSEE. (**PROPERTY TAX**)
- ORDINANCE 123 AN ORDINANCE TO AMEND THE OFFICIAL ZONIG MAP FOR THE TOWN OF KIMBALL, TENNESSEE (TIMBERRIDGE DRIVE AREA) (**ANNEXATION & ZONING**)
- ORDINANCE 124 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE (DERBY TRAIL AREA) (**ANNEXATION & ZONING**)
- ORDINANCE 125 AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO DECREASE THE MINIMUM LOT WIDTH AT THE BUILDING SETBACK LINE IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE (**ANNEXATION & ZONING**)
- ORDINANCE 126 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE (PONDEROSA AREA) (**ANNEXATION & ZONING**)
- ORDINANCE 127 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE, TO ESTABLISH TRAVEL REIMBURSEMENT REGULATIONS FOR CITY OFFICIALS AND CITY EMPLOYEES CONDUCTING OFFICIAL BUSINESS (**TRAVEL**)

- ORDINANCE 127-A AN ORDINANCE ALLOWING THE ASSIGNMENT FROM THE HELICON GROUP, TO CHARTER COMMUNICATIONS OF THE NON-EXCLUSIVE FRANCHISE GRANTED BY ORDINANCE NUMBERS 37, 40, 99, AND 107 (**CABLE**)
- ORDINANCE 128 AN ORDINANCE TO AMEND ORDINANCE NUMBER 3 AND IT'S AMENDMENTS TO INCREASE THE SALARY OF THE TOWN RECORDER AND TO SET THE SALARY OF THE POLICE CHIEF AND TOWN CLERK FOR THE TOWN OF KIMBALL, TENNESSEE (**SALARY**)
- ORDINANCE 129 THE 1999-2000 BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE. (**BUDGET**)
- ORDINANCE 130 AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF KIMBALL, TENNESSEE (**CODIFICATION**)
- ORDINANCE 131 AN ORDINANCE TO AMEND ORDINANCE NUMBERS 41, 50, AND 89 OF THE TOWN OF KIMBALL, TENNESSEE REGARDING THE SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE (**SEWER**)
- ORDINANCE 132 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE (**ANNEXATION & ZONING**)
- ORDINANCE 133 AN ORDINANCE TO AMEND ORDINANCE 129 CONCERNING THE BUDGET FOR THE YEAR 1999-2000 FOR THE TOWN OF KIMBALL, TENNESSEE (**BUDGET**)
- ORDINANCE 134 AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2000-2001 (**BUDGET**)
- ORDINANCE 135 AN ORDINANCE TO AMEND ORDINANCE NUMBER 3 AND IT'S AMENDMENTS TO INCREASE THE SALARY OF THE TOWN RECORDER, POLICE CHIEF AND TOWN CLERK, AND TO SET THE SALARY FOR THE SUPERVISOR OF THE STREET, GARBAGE, AND MAINTENANCE DEPARTMENT FOR THE TOWN OF KIMBALL, TENNESSEE (**SALARY**)
- ORDINANCE 136 AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO DECREASE THE MINIMUM FRONT YARD BUILDING SETBACK LINE IN THE C-2 HIGHWAY COMMERCIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE (**ANNEXATION & ZONING**)
- ORDINANCE 137 AN ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE 9 TO SET FORTH PROCEDURES FOR CONDUCTING ROAD BLOCKS IN THE TOWN OF KIMBALL, TENNESSEE (**ROAD BLOCKS**)
- ORDINANCE 138 AN ORDINANCE TO AMEND ORDINANCE NUMBERS 41, 50, 89 AND 131 OF THE TOWN OF KIMBALL, TENNESSEE REGARDING THE SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE (**SEWER**)
- ORDINANCE 139 AN ORDINANCE TO AMEND ORDINANCE 134 CONCERNING THE BUDGET FOR THE YEAR 2000-2001 FOR THE TOWN OF KIMBALL, TENNESSEE (**BUDGET**)
- ORDINANCE 140 AN ORDINANCE TO AMEND ORDINANCE NUMBER 130 TO AMEND THE KIMBALL MUNICIPAL CODE (**CODIFICATION**)
- ORDINANCE 141 AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2001-2002 (**BUDGET**)
- ORDINANCE 142 AN ORDINANCE TO AMEND ORDINANCE NUMBER 3 AND IT'S AMENDMENTS TO INCREASE THE SALARY OF THE TOWN RECORDER, POLICE CHIEF, TOWN CLERK AND THE SUPERVISOR OF THE STREET, GARBAGE AND MAINTENANCE DEPARTMENT FOR THE TOWN OF KIMBALL, TENNESSEE (**SALARY**)
- ORDINANCE 143 AN ORDINANCE TO ESTABLISH A TAX LEVY FOR THE CALENDAR YEAR 2001 FOR THE TOWN OF KIMBALL, TENNESSEE (**PROPERTY TAX**)
- ORDINANCE 144 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE RELATING TO ABANDONED, UNAUTHORIZED AND JUNK VEHICLES (**VEHICLES**)

- ORDINANCE 145 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO MAKE A VIOLATION OF TENNESSEE CODE ANNOTATED 55-12-139 A MUNICIPAL ORDINANCE VIOLATION **(INSURANCE – POLICE)**
- ORDINANCE 146 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO AMEND TITLE 14, CHAPTER 9 OF THE KIMBALL MUNICIPAL CODE REGARDING INCREASING THE MAXIMUM HEIGHT OF SIGNS IN THE TOWN OF KIMBALL, TENNESSEE **(SIGN)**
- ORDINANCE 147 AN ORDINANCE TO AMEND ORDINANCE 141 CONCERNING THE BUDGET FOR THE YEAR 2001-2002 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**
- ORDINANCE 148 AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2002-2003 **(BUDGET)**
- ORDINANCE 149 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM I-1 TO R-1 **(ANNEXATION & ZONING)**
- ORDINANCE 150 AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2003-2004 **(BUDGET)**
- ORDINANCE 151 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT **(ANNEXATION & ZONING)**
- ORDINANCE 152 AN ORDINANCE TO AMEND ORDINANCE 148 CONCERNING THE BUDGET FOR THE YEAR 2002-2003 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**
- ORDINANCE 153 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO AMEND TITLE 14, CHAPTER 4 OF THE KIMBALL MUNICIPAL CODE REGARDING INCREASING THE MAXIMUM HEIGHT OF BUILDINGS IN THE TOWN OF KIMBALL, TENNESSEE. **(ANNEXATION & ZONING)**
- ORDINANCE 154 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT. **(ANNEXATION & ZONING)**
- ORDINANCE 155 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO MODIFY THE TOWN'S PURCHASING POLICY. **(PURCHASING)**
- ORDINANCE 156 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO AMEND TITLE 14, CHAPTER 9 OF THE KIMBALL MUNICIPAL CODE REGARDING THE REGULATION OF SIGNS WITHIN THE TOWN OF KIMBALL, TENNESSEE. **(SIGN)**
- ORDINANCE 157 AN ORDINANCE TO AMEND ORDINANCE 150 CONCERNING THE BUDGET FOR THE YEAR 2003-2004 FOR THE TOWN OF KIMBALL, TENNESSEE. **(BUDGET)**
- ORDINANCE 158 AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2004-2005. **(BUDGET)**
- ORDINANCE 159 AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO INCLUDE A SIDE YARD SETBACK FOR CORNER LOTS THAT ABUT UPON A MAJOR THOROUGHFARE OR COLLECTOR ROAD WITHIN THE R-1, LOW DENSITY RESIDENTIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE. **(ANNEXATION & ZONING)**
- ORDINANCE 160 AN ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE I TO INCREASE THE COMPENSATION OF THE ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE. **(OFFICERS)**
- ORDINANCE 161 AN ORDINANCE TO AMEND ORDINANCE 158 CONCERNING THE BUDGET FOR THE YEAR 2004-2005 FOR THE TOWN OF KIMBALL, TENNESSEE. **(BUDGET)**



- ORDINANCE 162      ORDINANCE TO AMEND TITLE 9 CHAPTER 1 OF THE KIMBALL MUNICIPAL CODE TO REGULATE TEMPORARY VENDORS AND/OR FRUIT STANDS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF KIMBALL, TENNESSEE. **(BUSINESS)**
- ORDINANCE 163      AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT. **(ANNEXATION & ZONING)**
- ORDINANCE 164      ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE I TO INCREASE THE COMPENSATION OF THE MAYOR OF THE TOWN OF KIMBALL, TENNESSEE. **(OFFICERS)**
- ORDINANCE 165      AN ORDINANCE TO AMEND ORDINANCE NOS. 158 AND 161 CONCERNING THE BUDGET FOR THE YEAR 2004-2005 FOR THE TOWN OF KIMBALL, TENNESSEE. **(BUDGET)**
- ORDINANCE 166      AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2005-2006. **(BUDGET)**
- ORDINANCE 167      AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133, PARCEL 6) JAMES LONG PROPERTY **(ANNEXATION & ZONING)**
- ORDINANCE 168      ORDINANCE TO ESTABLISH A PARKS AND RECREATION BOARD FOR THE TOWN OF KIMBALL, TENNESSEE **(PARKS AND RECREATION)**
- ORDINANCE 169      ORDINANCE TO AMEND THE TRAVEL REIMBURSEMENT REGULATIONS OF THE TOWN OF KIMBALL, TENNESSEE **(TRAVEL)**
- ORDINANCE 170      AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING A PORTION OF THE PROPERTY HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 119, PARCEL 59.07) FRANCIS BERUBE PROPERTY **(ANNEXATION & ZONING)**
- ORDINANCE 171      ORDINANCE TO PROVIDE FOR DISTRIBUTION OF ANTICIPATED SALES TAX REVENUES RESULTING FROM A LOCAL SALES RATE INCREASE FROM 2.25 PERCENT TO 2.75 PERCENT **(SALES TAX)**
- ORDINANCE 172      ORDINANCE TO ADOPT THE INTERNATIONAL BUILDING CODE FOR THE TOWN OF KIMBALL, TENNESSEE **(BUILDING)**
- ORDINANCE 173      ORDINANCE TO ENTER A CABLE FRANCHISE AGREEMENT WITH TRINITY COMMUNICATIONS, LLC **(CABLE)**
- ORDINANCE 174      AN ORDINANCE TO ENTER A CABLE FRANCHISE AGREEMENT WITH HELICON PARTNERS, ILP LOCALLY KNOWN AS CHARTER COMMUNICATIONS **(CABLE)**
- ORDINANCE 175      ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TO MAKE IT UNLAWFUL TO POSSESS AN OPEN CONTAINER OF ANY ALCOHOLIC BEVERAGE WHILE A PASSENGER IN A VEHICLE OPERATED WITHIN THE TOWN OF KIMBALL, TENNESSEE **(ALCOHOL)**
- ORDINANCE 176      AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE REGULATING VICIOUS DOGS **(DOGS)**
- ORDINANCE 177      ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE 9 TO SET FORTH PROCEDURES FOR CONDUCTING ROAD BLOCKS IN THE TOWN OF KIMBALL, TENNESSEE **(ROAD BLOCKS)**
- ORDINANCE 178      AN ORDINANCE TO AMEND ORDINANCE NO. 166 CONCERNING THE BUDGET FOR THE YEAR 2005-2006 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**

- ORDINANCE 179 AN ORDINANCE TO ADOPT THE BUDGET FOR THE TOWN OF KIMBALL, TENNESSEE FISCAL YEAR 2006-2007 (**BUDGET**)
- ORDINANCE 180 AN ORDINANCE TO RE-ESTABLISH THE FIRE DEPARTMENT OF THE TOWN OF KIMBALL, TENNESSEE (**FIRE**)
- ORDINANCE 181 AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR THE TOWN OF KIMBALL, TENNESSEE (**ETHICS**)
- ORDINANCE 182 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING PROPERTY ADJACENT TO THE RIVERS EDGE SUBDIVISION FROM ZONING CLASSIFICATION I-1, INDUSTRIAL DISTRICT TO THE R-1, LOW DENSITY RESIDENTIAL DISTRICT (AS SHOWN ON THE ACCOMPANYING MAP) (**ANNEXATION & ZONING**)
- ORDINANCE 183 ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE 9 AND ORDINANCE 177 OF THE TOWN OF KIMBALL, TENNESSEE (**CODIFICATION**)
- ORDINANCE 184 AN ORDINANCE TO AMEND ORDINANCE NO. 179 CONCERNING THE BUDGET FOR THE YEAR 2006-2007 FOR THE TOWN OF KIMBALL, TENNESSEE (**BUDGET**)
- ORDINANCE 185 AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2007 – JUNE 30, 2008 (**BUDGET**)
- ORDINANCE 186 AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO DEFINE AND INCLUDE COMMERCIAL PLANNED UNIT DEVELOPMENTS WITHIN THE C-2, HIGHWAY BUSINESS ZONING DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE (**ANNEXATION & ZONING**)
- ORDINANCE 187 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE PROVIDING FOR THE LICENSING AND REGULATION OF ADULT-ORIENTED BUSINESSES (**BUSINESS**)
- ORDINANCE 188 AN ORDINANCE TO AMEND THE KIMBALL MUNICIPAL CODE TITLE 12 TO ADOPT PERMIT FEES FOR COMMERCIAL CONSTRUCTION REMODELING PROJECTS (**BUILDING PERMITS**)
- ORDINANCE 189 AN ORDINANCE TO AMEND TITLE 10, CHAPTER 2 OF THE KIMBALL MUNICIPAL CODE REGARDING VICIOUS DOGS (**DOGS**)
- ORDINANCE 190 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION I-1 INDUSTRIAL DISTRICT TO R-1, LOW DENSITY RESIDENTIAL (AS SHOWN ON TAX MAP 132, PARCEL 059.00) LOCATED BETWEEN INDUSTRIAL BOULEVARD AND THE SOUTH BORDER OF INTERSTATE 24 (**ANNEXATION & ZONING**)
- ORDINANCE 191 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133K, PARCEL 003.00) ROBERT BLOUNT PROPERTY (**ANNEXATION & ZONING**)
- ORDINANCE 192 AN ORDINANCE TO AMEND ORDINANCE NO. 185 CONCERNING THE BUDGET FOR THE YEAR 2007-2008 FOR THE TOWN OF KIMBALL, TENNESSEE (**BUDGET**)
- ORDINANCE 193 ~~AN ORDINANCE TO REGULATE THE STANDING OR PARKING OF IDLING MOTOR VEHICLES WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF KIMBALL, TENNESSEE~~ (**TABLED**)
- ORDINANCE 194 AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2008 – JUNE 30, 2009 (**BUDGET**)
- ORDINANCE 195 AN ORDINANCE TO AMEND ORDINANCE NOS. 51 AND 116 TO MODIFY THE GARBAGE COLLECTION FEES, PICK-UP SCHEDULE, AND BILLING SCHEDULES FOR THE TOWN OF KIMBALL, TENNESSEE (**WASTE**)

- ORDINANCE 196 SEWER – INCOMPLETE
- ORDINANCE 197 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133D, PARCEL 027.00) CARRIN J. MOATS PROPERTY **(ANNEXATION AND ZONING)**
- ORDINANCE 198 AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO MAINTAIN ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE TOWN OF KIMBALL, TENNESSEE **(FLOOD)**
- ORDINANCE 199 AN ORDINANCE TO AMEND ORDINANCE NOS. 2, 11, 28 AND 78 TO ESTABLISH DISTANCE REQUIREMENTS FOR ESTABLISHMENTS SELLING LIQUOR BY THE DRINK **(ALCOHOL)**
- ORDINANCE 200 AN ORDINANCE ESTABLISHING A MAXIMUM AMOUNT FOR PURCHASES WITHOUT PUBLIC ADVERTISEMENT AND COMPETITIVE BIDDING **(PURCHASING)**
- ORDINANCE 201 AN ORDINANCE TO AMEND ORDINANCE NO. 12 MAKING IT UNLAWFUL TO DISCHARGE FIREARMS OR OTHER DANGEROUS WEAPONS WITHIN THE TOWN OF KIMBALL, TENNESSEE, EXCEPT WHEN ENGAGED IN HUNTING **(FIREARMS)**
- ORDINANCE 202 AN ORDINANCE TO AMEND ORDINANCE NO. 194 CONCERNING THE BUDGET FOR THE YEAR 2008-2009 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**
- ORDINANCE 203 AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2009 – JUNE 30, 2010 **(BUDGET)**
- ORDINANCE 204 AN ORDINANCE TO AMEND ORDINANCE NOS. 41, 50, 89, 131 AND 138 OF THE TOWN OF KIMBALL, TENNESSEE REGARDING THE RESIDENTIAL SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE **(SEWER)**
- ORDINANCE 205 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF KIMBALL TENNESSEE SO AS TO AMEND THE OFFICIAL ZONING MAP WITH UPDATES AND CORRECTIONS, SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF KIMBALL, TENNESSEE **(ANNEXATION AND ZONING)**
- ORDINANCE 206 AN ORDINANCE TO AMEND ORDINANCE NO. 172 TO REPLACE THE 2003 EDITIONS OF THE INTERNATIONAL BUILDING CODES WITH THE 2009 EDITIONS OF SAME, WITH THE EXCEPTION OF SECTION P2904 OF THE INTERNATIONAL RESIDENTIAL CODE **(BUILDING CODES)**
- ORDINANCE 207 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE, ESTABLISHING PEDDLER AND SOLICITOR REGULATIONS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE **(LICENSE)**
- ORDINANCE 208 AN ORDINANCE TO AMEND ORDINANCE NO. 75 REGARDING THE NUMBER OF GROUND SIGNS ALLOWED IN THE HIGHWAY COMMERCIAL DISTRICT (C-2) OF THE TOWN OF KIMBALL, TENNESSEE **(SIGNS)**
- ORDINANCE 209 AN ORDINANCE TO AMEND ORDINANCE NO. 203 CONCERNING THE BUDGET FOR THE FISCAL YEAR 2009-2010 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**
- ORDINANCE 210 AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2010 - JUNE 30, 2011 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**
- ORDINANCE 211 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO REGULATE ANIMAL AND VEGETABLE FATS, OILS AND GREASE AS WELL AS SOIL/SAND AND LINT TRAPS AND INTERCEPTORS **(SEWER)**

ORDINANCE NO. 1

An Ordinance to prescribe the form of Ordinances for the Town of Kimball, Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee:

SECTION 1: That from and after this date all ordinances passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, shall be substantially in the following form, to-wit:

ORDINANCE NO. \_\_\_\_\_

An Ordinance to (Here set out the title and purpose of the ordinance briefly)

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion and the State of Tennessee:

SECTION 1: That (Here set out ordinance provisions)

SECTION 2: That, etc (Continuing with as many sections as necessary)

SECTION 3: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: That all ordinance or parts of ordinance conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 5: That this ordinance shall take effect and be in force from and after \_\_\_\_\_ (or final passage) the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Seal) \_\_\_\_\_ Mayor

Attest:

\_\_\_\_\_ Recorder

SECTION 2: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: That this ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 8th day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65

ORDINANCE NO. 2

An Ordinance to Regulate the Off Premise and the On and Off Premise Sale of Beer and/or Ale or other Beverage of Like Alcoholic Content Within the Corporate Limits of the Town of Kimball, Tennessee; To Create and Constitute a Beer Board; To Authorize Said Board to Issue Off Premise and On and Off Premise Permits for Sale of Beer and to hear Complaints and to Suspend or Revoke Such Permits Upon Proper Cause Shown and to Provide Ways and Means for the Issuance and Suspension or Revocation of Permits and Licenses; To Fix Penalties for the Violation of any Provisions of this Ordinance.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee:

SECTION 1: That there is hereby created a Board to be known as the Beer Board of the Town of Kimball, said Board to consist of the Mayor and Aldermen of said Town. Said Board shall be vested with full and complete authority to issue, suspend and/or revoke permits for the sale of beer and/or ale or beverages of like alcoholic content (hereinafter referred to as beer and referring to all such beverages) within the corporate limits of the Town of Kimball.

SECTION 2: That after the passage of this ordinance, all persons, firms, corporations or associations who shall thereafter desire to sell, store and/or manufacture beer for the off-premise and the on and off premise consumption, shall apply in writing to said Board on a form prescribed by it for a permit to thereafter store, sell and/or manufacture beer within the corporate limits of the Town of Kimball. Upon filing such application with the Chairman of the said Board, it shall be carefully examined and its action thereon shall be kept in writing as a part of the regular proceedings of said Board. Upon favorable action by said Board on application submitted to it, a permit for off premise or on and off premise sales shall be issued to the applicant.

SECTION 3: That after the passage of this ordinance it shall be unlawful for any person, firm, corporation or association to store, sell, manufacture or distribute such beverages within the corporate limits of the Town of Kimball without first having obtained a permit lawfully issued by the Board in the manner prescribed herein.

SECTION 4: That each applicant granted a permit to sell, manufacture or distribute any such beverage shall, before engaging in such sale, manufacture or distribution, secure from the Town of Kimball a license as provided in Section 57-210, Tennessee Code Annotated.

SECTION 5: That it shall hereafter be unlawful, and it is hereby declared to be a misdemeanor for any person, firm, corporation or association engaged in the business regulated hereunder, to make or permit to be made any sales or distribution of such beverages to minors; to employ minors directly in the sale of such beverages or permit minors to loiter on the premises; to sell or distribute such beverages to persons intoxicated; to sell or distribute such beverages to persons who are feeble-minded, insane or otherwise mentally incapacitated; to fail to provide proper sanitary facilities and visibility in front windows; to sell or distribute such beverages at any place where pool or billiards are played unless the sale or distribution of such beverages is made in the front room or place where a partition wall separates the place from the pool or billiard parlor; to employ any person who has been convicted of any violation of the State statutes prohibiting the possession, sale, manufacture or transportation of intoxicating liquor, or any other crime involving moral turpitude, within the past ten years, and upon conviction of any of the above violations, as declared, shall be fined not less than \$20.00 nor more than \$50.00.

SECTION 6: That it shall hereafter be unlawful for any person, firm, corporation or association to sell or distribute any of such beverages within the corporate limits of the Town of Kimball from 12:00 midnight until 6:00 A.M. on week days and from 12:00 midnight on Saturday until 6:00 A.M. on Monday.

SECTION 7: That the Board created and constituted hereunder, be and is hereby vested with full power and authority to suspend or revoke any permit, the issuance of which is herein provided, and for this purpose is fully authorized and empowered to hear and determine complaints brought for that purpose. Any violation of this ordinance shall constitute grounds for suspension or revocation of any such permit.

Complaint brought for the purpose of suspending or revoking such permits shall be made in writing and filed with the Chairman of said Board, who shall thereupon give or cause to be given written notice, accompanied by a copy of such written complaint, commanding the person, persons, firm, corporation or association to appear at a time and place designated in said notice before said Board and show cause why such permit should not be suspended or revoked, such notice to be served by any officer authorized by law or ordinance to serve process for the Town, or by registered letter, at least ten days prior to the date of the hearing when such person, persons, firm, corporation or association is cited to appear. Upon the hearing said Board shall publicly hear and determine the nature and merits of the complaint, and for this purpose the Chairman of said Board is authorized to compel the attendance of witnesses by subpoena, and after such hearing said Board may for proper cause suspend or revoke such permit.

Upon final hearing and determination by the Board, either party may remove the cause by certiorari to the next term of the Circuit Court of Marion County, Tennessee.

SECTION 8: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 9: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 10: That this ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading on the 8th day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65



ORDINANCE NO. 3

An Ordinance to create the offices of Recorder and Treasurer of the Town of Kimball, Tennessee, to prescribe the term and method of filling such offices and to fix the salaries thereof.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee:

SECTION 1: That there be and there is hereby created the following offices for the Town of Kimball, Tennessee:

1. Recorder of the Town of Kimball, Tennessee.
2. Treasurer of the Town of Kimball, Tennessee.

SECTION 2: That both the office of Recorder and Treasurer may be held by one and the same person, and in such event the holder of such office shall be entitled to receive the salary prescribed for each office.

SECTION 3: That the salary for the office of Recorder by and the same is hereby fixed at Twelve and 50/100 Dollars per month, payable monthly out of the general funds of the town upon warrant of the Town Treasurer.

SECTION 4: That the salary for the Treasurer be and the same is hereby fixed at Twelve and 50/100 Dollars per month, payable monthly out of the general funds of the Town upon warrant of the Town Treasurer.

SECTION 5: That both the offices of Recorder and Treasurer shall be filled by appointment upon proper resolution of the Board of Mayor and Aldermen, and the holder of such office or offices shall serve at the pleasure of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee.

SECTION 6: That should any part of this ordinance be held to be invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 7: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 8: That this ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading, on the 8th day of April, 1965.

s/Hayden Allen Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65

AMENDMENT TO ORDINANCE NO. 3

BE IT ORDAINED AND ENACTED BY THE Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee, that Ordinance No. 3, this being an ordinance to create the offices of Recorder and Treasurer of the Town of Kimball to prescribe and fix the term and method of filling such offices and to fix the salaries thereof, be and the same is amended as follows:

That the entire Section 3 and Section 4 of said ordinance be stricken therefrom and replaced by a new Section 3 and 4 as follows:

SECTION 3: That the salary for the office of Recorder be and the same is hereby fixed at Twenty-five (\$25.00) Dollars per month, payable monthly out of the general funds of the Town upon warrant of the Town Treasurer.

SECTION 4: That the salary for the Treasurer be and the same is hereby fixed at Twenty-five (\$25.00) Dollars per month, payable monthly out of the general funds of the Town upon warrant of the Town Treasurer.

BE IT FURTHER RESOLVED that this amendment shall take effect from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading, on the 28th day of October, 1967.

s/ G. H. Bennett, Jr. Mayor

Attest:

s/Mrs. G. H. Bennett, Jr. Recorder

AMENDMENT TO ORDINANCE NO. 3

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee, that Ordinance No. 3, this being an ordinance to create the offices of Recorder and Treasurer of the Town of Kimball to prescribe and fix the term and method of filling such offices and to fix the salaries thereof, be and the same is amended as follows:

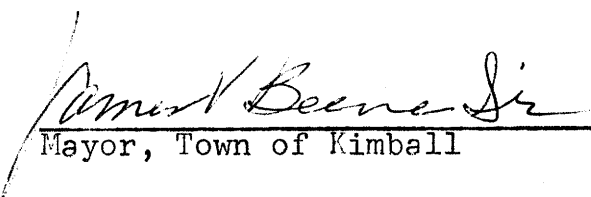
That the entire Section 3 and Section 4 of said ordinance be stricken therefrom and replaced by a new Section 3 and 4 as follows:

SECTION 3: That the salary for the office of Recorder be and the same is hereby fixed at Fifty (\$50.00) Dollars per month, payable monthly out of the general funds of the Town upon warrant of the Town Treasurer.


SECTION 4: That the salary for the Treasurer be and the same is hereby fixed at Fifty (\$50.00) Dollars per month, payable monthly out of the general funds of the Town upon warrant of the Town Treasurer.

BE IT FURTHER RESOLVED that this amendment shall take effect from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading, on the 29th day of September, 1973.

  
Mayor, Town of Kimball

ATTEST:

  
Recorder, Town of Kimball

Passed on 1st reading September 27, 1973

Passed on 2nd reading September 28, 1973

Passed on 3rd reading September 29, 1973

ORDINANCE NO. 4

An Ordinance to Prohibit the Sale of Fireworks in the Corporate Limits of the Town of Kimball, of the County of Marion and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion and State of Tennessee:

SECTION 1: That it shall be unlawful for any person, corporation, partnership, or other business establishment of any kind or character to sell fireworks of any kind or character, including the items of fireworks defined in Section 53-3008 of Tennessee Code Annotated, within the Corporate Limits of the Town of Kimball, Tennessee.

SECTION 2: That violation of any section, part or provision of this ordinance is hereby declared to be a misdemeanor punishable upon conviction of a fine of not less than Two (\$2.00) Dollars nor more than Fifty (\$50.00) Dollars.

SECTION 3: That all ordinances or parts of ordinances conflicting with this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 4: That this ordinance shall take effect and be in full force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading, on the 8th day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65

ORDINANCE NO. 5

An Ordinance to Regulate the Disposal of Waste within the Corporate Limits of the Town of Kimball, of the County of Marion, and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee:

SECTION 1: That it shall be unlawful for any person to dump garbage, trash or waste of any kind, on either property belonging to the Town of Kimball, or property belonging to persons other than the one dumping, or upon the right of way of any public streets, roads or alleys within the Town of Kimball, with the one exception being the property belonging to the Town of Kimball set aside for the purpose of dumping.

SECTION 2: That the violation of any section, part or provision of this ordinance is hereby declared to be a misdemeanor punishable upon conviction, by a fine of not less than Ten (\$10.00) Dollars and not more than Fifty (\$50.00) Dollars.

SECTION 3: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 5: That this ordinance shall take effect and be in full force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading, on the 8th day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65

ORDINANCE NO. 6

An Ordinance to Regulate the Operation of Motor Vehicles in the Town of Kimball, of the County of Marion, and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee:

SECTION 1: That it shall be unlawful for any person to operate or drive a motor vehicle upon any street or highway in the Town of Kimball, Tennessee, in excess of forty-five (45) miles per hour, and if by authority of the Board of Mayor and Aldermen, a proper sign clearly visible to motorist driving upon a street or highway, is posted upon any street or highway setting a limit lower than 45 MPH, it shall be unlawful for any person to operate a motor vehicle upon such street or highway in excess of such posted speed limit.

SECTION 2: That the Board of Mayor and Aldermen shall have full power and authority from time to time as they deem advisable to fix and designate time limits for the parking of motor vehicles on the Streets and Highways in the Town of Kimball, Tennessee, and when such time limits have been fixed and appropriate signs have been erected warning the public that such area has been limited for parking to the time stated on such sign, they shall be observed by all operators of motor vehicles and the parking of a motor vehicle in such area continuously for a period in excess of the time limit established for that particular area shall be unlawful and a violation of this ordinance.

SECTION 3: That the Board of Mayor and Aldermen shall have full power and authority from time to time and as they deem advisable to mark off and designate on all streets and highways in the Town of Kimball, Tennessee, parking areas, no parking areas, and special reserved parking areas; and when such parking areas, no parking areas and special parking areas have been so marked off and plainly designated by appropriate signs or otherwise, they shall be observed by all operators of motor vehicles, and the parking of any motor vehicle shall be confined to one parking area as marked off.

SECTION 4: That the Board of Mayor and Aldermen shall have full power and authority from time to time and as they deem advisable to designate stop streets by erecting appropriate signs thereat, and when such streets are so designated as stop streets and plainly visible stop signs erected thereat, they shall be observed by all operators of motor vehicles.

SECTION 5: That Title 59, Sections 801 to 881, inclusive, designated as "Rules of the Road", and Title 59, Sections 901 to 926, inclusive, designated "Equipment-Lighting Regulations"; and all amendments and additions thereto, of Tennessee Code Annotated, be and the same are hereby incorporated herein by reference and made a part hereof as fully as if copied verbatim herein, and the violation of any of said statutes shall be deemed a violation of this ordinance punishable not as provided by said statutes but as hereinafter set out for the violation of any of the provisions of this ordinance.

SECTION 6: That the violation of any section, part or provision of this ordinance is hereby declared to be a misdemeanor punishable upon conviction by a fine of not less than Two (\$2.00) Dollars, nor more than Fifty (\$50.00) Dollars, provided however, the City Judge may in his discretion waive said fine for a parking violation upon payment into Town Treasury the sum of Fifty (50¢) Cents, within forty-eight (48) hours from the time of a violation by the responsible person.

SECTION 7: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 8: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 9: That this ordinance shall take effect and be in full force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading, on the 8th day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65



ORDINANCE NO. 7

An Ordinance to Create the Office of City Attorney for the Town of Kimball, Tennessee, to prescribe the duties of such office, to prescribe the term and method of filling such office and the salary thereof.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee, that:

SECTION 1: There is hereby created for the Town of Kimball, Tennessee, the office of City Attorney.

SECTION 2: Said office shall be filled by appointment by proper resolution or motion of the Board of Mayor and Aldermen, and the holder of such office shall serve at the pleasure of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee.

SECTION 3: The holder of said office shall be a person with administrative training or experience in business or municipal affairs, and must be duly licensed and authorized to practice law in the State of Tennessee.

SECTION 4: The holder of said office shall represent the Town of Kimball in all legal matters and proceedings in which the Town is interested, or in which any of its officers are officially interested; attend such meetings of the Board of Mayor and Aldermen as he may be requested to attend; advise the Board of Mayor and Aldermen and other officials of the Town as to legal questions affecting the Town's interests; approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the Town; and perform such other duties as may from time to time be designated by the Board of Mayor and Aldermen.

SECTION 5: Salary of the office of City Attorney is hereby fixed at Fifty and no/100 (\$50.00) Dollars per month, payable out of the general funds of the Town.

SECTION 6: Should any part of this ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances conflicting with this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 8: This ordinance shall take effect and be in full force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading on the 8th day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/11/65

Passed on 2nd reading 3/25/65

Passed on 3rd reading 4/8/65

ORDINANCE NO. 8

An Ordinance to Establish and Prescribe the Minimum Standards for New Streets in the Town of Kimball, Tennessee

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee:

SECTION 1: That from and after the effective date of this ordinance, all new roads and/or streets in the Town of Kimball, Tennessee, before such roads or streets are accepted as public roads or streets by the Town, and before the Town will agree to become responsible for the maintenance and upkeep of such roads or streets, there shall be constructed the following minimum requirements:

1. The right of way indicated for street or road purposes shall have a minimum width of at least 40 feet.
2. Street or road must be properly graded and drained so that surface water will drain from the roadway and drainage ditches.
3. The street or road must be graded to the full width of the right of way, except for required drainage ditches, and smoothed and compacted and all large rocks, stumps, roots, brush and other objectionable materials removed therefrom.
4. The travelled portion of the street shall be covered with a layer of at least 4 inches of crushed stone, gravel, or other material acceptable by the Board of Mayor and Aldermen, and shall be spread evenly and compactly for a minimum width of 20 feet.
5. An adequate drainage system shall be provided, including necessary open ditches, and culverts or bridges of adequate size with no culvert to be less than 12 inches in diameter.
6. The Board of Mayor and Aldermen may under special circumstances where it appears impractical to comply with the right of way widths herein set out, accept a street with a narrower right of way width, but the reasons therefor must be set out upon the minutes of the Town.

SECTION 2: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 4: That this ordinance shall take effect and be in force from and after its final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen, on final reading, on the 22nd day of April, 1965.

s/Hayden Allan Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 3/26/65

Passed on 2nd reading 4/8/65

Passed on 3rd reading 4/22/65

ORDINANCE NO. 9

An Ordinance Granting a Franchise to E. P. Govan, Jr., D/B/A Television Cable Company to Construct, Operate and Maintain Coaxial Cables, Control Wires and Associated Appliances Upon, Along, Through and Under and Over the Streets, Alleys, Bridges and Public Places of the Town of Kimball, Tennessee

BE IT ORDAINED AND ENACTED by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, as follows:

SECTION 1: That E. P. Govan, Jr., D/B/A Television Cable Company, its successors and assigns, be and it is hereby granted the right, privilege and authority to install, operate and maintain community antenna and closed circuit electronic cables including poles, signal control wires and fixtures for providing TV video-audio and/or music where necessary upon, along, through, over and under the streets, alleys, bridges and public places of the Town of Kimball upon the terms and conditions hereinafter provided.

SECTION 2: The poles used for said cables, wires and fixtures when and where practical shall be those erected and maintained by the Southern Bell Telephone and Telegraph Company and/or the Sequachee Valley Electric Cooperative, provided satisfactory rental agreements can be entered into with the said Southern Bell Telephone and Telegraph Company and Sequachee Valley Electric Cooperative. All streets and sidewalks and other public ways that may be disturbed or damaged in the construction of said lines shall be promptly replaced or repaired by the said E. P. Govan, Jr., D/B/A Television Cable Company, its successors and assigns, at their own expense and according to the specifications approved by and to the satisfaction of the Town Council.

SECTION 3: All cables, wires, fixtures and other installations erected under the provisions hereof shall comply with and meet the minimum standards provided by the ordinances of the Town of Kimball from time to time adopted and shall comply with the National Electric Code and the National Safety Code.

SECTION 4: The grantee of this franchise shall be subject to all ordinances now in force or hereafter adopted relative to the use of highways, streets, alleys, bridges and other public places of the Town of Kimball and will pay to the Town of Kimball a license tax of three per cent of gross revenue derived from monthly community antenna service fees.

SECTION 5: The grantee of this franchise shall hold the Town of Kimball safe and harmless of and from all damages arising by reason of negligence in the construction, maintenance or operation of said cables and lines.

SECTION 6: The rights, privileges and franchise hereby granted are granted for the term of thirty years from the date of this ordinance with the option for renewal for thirty additional years upon faithful performance of the first term of this franchise.

SECTION 7: This franchise shall be revoked and deemed null and void for one or more of the following reasons.

(a) If construction of the system is not commenced within two years from the date of this ordinance.

(b) If in a reasonable length of time the Company is not able to provide service for the public.

(c) That the Conditions of this ordinance are not being complied with by the Company.

SECTION 8: The franchise granted hereby is not an exclusive franchise and shall in no event be construed as an exclusive franchise, and the Town reserves the right to grant other franchises of a like and similar nature to other person or persons.

SECTION 9: That each provision contained in this ordinance is intended to be severable and if anyone or more thereof should be held invalid for any reason the rest shall nevertheless stand and be fully effective.

SECTION 10: That this ordinance when adopted by the Town of Kimball shall be published one time at the Company's expense in the local newspaper circulated in the Town of Kimball. This ordinance shall take effect and be in full force and effect from and after its adoption and approval, the public welfare demanding it.

Passed and approved by the Board of Mayor and Aldermen, on final reading, on the 5th day of August, 1965.

s/Hayden Allan

Mayor

Attest:

s/Dorothy Allan Recorder

Passed on 1st reading 6/24/65

Passed on 2nd reading 7/22/65

Passed on 3rd reading 8/5/65

ORDINANCE NO. 10

An Ordinance Levying a Privilege Tax on Carnivals, Circuses, and Traveling Shows.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and State of Tennessee:

SECTION 1: That every person who exhibits performances in a side show, dog or pony (or either) show, trained animal show, carnival, circus, manageries, and circuses, or any other show, exhibition or performance similar thereto shall procure a license therefor.

For the purpose of this Ordinance a carnival shall mean an aggregation of shows, amusements, concessions, eating places and riding devices, without a menagerie, or any of them, operated together on one (1) lot or street, under one (1) management, or on contiguous lots or streets, moving from place to place, whether the same are owned by separate persons or not.

On carnivals for each week \$25.00

SECTION 2: There shall be paid for each day's performance or exhibition of a circus, or circuses and menagerie, or wild west (or like) show, or trained animal (or like) show, and dog or pony (or either or like) show, a tax for each day or part thereof as follows:

On circuses, manageries, etc., traveling or railroads requiring transportation of one (1) to twenty (20) cars (all railroad cars included), inclusive \$100.00

Over twenty (20) cars (all railroad cars included) \$200.00

On such shows traveling overland by automobile or conveyance, the tax for each day's performance or exhibition shall be based upon the automobile or conveying capacity, including all cars, passenger, truck, or trailer, loaded or unloaded, as follows:

On such shows requiring:

One (1) or two (2) vehicles	\$ 5.00
Three (3) to five (5) vehicles, inclusive	8.00
Six (6) to ten (10) vehicles, inclusive	15.00
Eleven (11) to twenty (20) vehicles, inclusive	20.00
Twenty-one (21) to thirty (30) vehicles, inclusive	30.00
Thirty-one (31) to fifty (50) vehicles, inclusive	40.00
Over fifty vehicles	50.00

On each side show, curiosity show, or similar show exhibiting on the same or contiguous lots with a circus and owned by a person other than the owner of the circus, the tax shall be per day \$30.00

No additional license shall be required for the privilege of selling soft drinks, confections, food, souvenirs and novelties on the grounds on which such shows are exhibited.

The provisions of this ordinance shall not be construed to allow, without payment of the tax imposed by law, performance for charitable or benevolent purposes by a company, association or persons, or a corporation, who make it their business to give exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such company, association or persons, or corporation for benevolent or charitable purposes, it being the intent and meaning of this ordinance that every company, association or persons, or corporations, which make its business that of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay a license tax prescribed by law.

Every person who exhibits or gives a performance of any of the shows above described in this ordinance, without the license required by law, shall be fined not less than fifty (\$50.00) dollars nor more than five hundred dollars (\$500) for each offense. The police authorities of the town or county shall not allow any such performance to open until the license required by law is exhibited to them.

It is specifically provided that the privilege taxes herein set out shall not apply to or be charged against any game, show, or privilege operated within the fair grounds, and in connections with, or under the auspices of any agricultural fair, where said fair is conducted as a public welfare institution for educational purposes and not for profit.

Provided that the prohibiting of privilege taxes as above provided shall apply only for and during the period during which such fairs are operated or conducted, and not otherwise.

SECTION 3: Traveling or temporary shows, whether exhibiting as legitimate shows, dramas, musical comedies, lectures, exhibitions, minstrels, etc., or whether operating moving pictures, or both, where admission is charged, shall pay for each week as follows:

Those having a seating capacity of less than 1,000	\$10.00
Those having a seating capacity of 1,000 or more	20.00



SECTION 4: That should any part of this ordinance be held to be invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 5: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 6: That this ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading, on the 23rd day of May, 1966.

s/G. H. Bennett, Jr. Mayor

Attest:

s/Mrs. G. H. Bennett, Jr. Recorder

Passed on 1st reading May 20, 1966

Passed on 2nd reading May 21, 1966

Passed on 3rd reading May 23, 1966

ORDINANCE NO. 11

An Ordinance Amending Ordinance No. 2

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee:

That Ordinance No. 2, heretofore enacted and passed on final reading on April 4, 1965, being an ordinance to regulate the sale of beer in the Town of Kimball be and the same is hereby amended and changed by striking from said Ordinance Section 6 thereof and substituting in the place thereof a new Section 6 as follows:

"That it shall hereafter be unlawful for any person, firm, corporation or association to sell or distribute any such beverages within the corporate limits of the Town of Kimball from 12 midnight until 6:00 A.M. on week days, and from 12:00 midnight on Saturday until 6:00 A.M. on Monday, except that such beverages may be sold by a duly licensed dealer for off-premise consumption, only, from 6:00 A.M. on Sunday, until 10:30 P. M. on Sunday. "

Passed and approved by the Board of Mayor and Aldermen, on final reading on the 23rd day of August, 1967.

s/G. H. Bennett, Jr.

Mayor

Attest:

s/Mrs. G. H. Bennett, Jr. Recorder

Passed on 1st reading August 21, 1967

Passed on 2nd reading August 22, 1967

Passed on 3rd reading August 23, 1967

ORDINANCE NO. 12

An Ordinance making it unlawful to discharge firearms or other dangerous weapons within the Town of Kimball.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee:

SECTION 1: From and after this date it shall be unlawful for any person within the corporate limits of the Town of Kimball, Tennessee, to shoot, fire or discharge any shot gun, rifle, pistol, air pistol, air rifle, "BB" gun or sling shot capable of discharging a metal bullet or pellet whether propelled by spring, compressed air, expanding gas, explosive or other force-producing means or method.

SECTION 2: That any person in violation of any section, part of or provision of this ordinance shall upon conviction be fined in the amount of not less than \$2.00 nor more than \$50.00.

SECTION 3: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 5: That this ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 16th day of October, 1968.

s/ G. H. Bennett, Jr. Mayc

Attest:

s/ Mrs. G. H. Bennett, Jr. Recorder

Passed on 1st reading October 14, 1968

Passed on 2nd reading October 15, 1968

ORDINANCE NO. 13

An Ordinance Approving Construction of an Industrial Access Road and Authorizing the Mayor to enter into a Contract with the State of Tennessee, Department of Highways, in reference to such Road.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

SECTION 1: That the Town of Kimball does hereby approved the construction of an industrial access road along and on the right of way of the present street known as Kimball Lane in accordance with the plans as set out and designated Project No. 58945-3602-04 of said Department.

SECTION 2: That the Mayor be and he is hereby authorized and directed to enter in a proposed contract with the said Department of Highways and which said contract is as follows, to-wit:

INDUSTRIAL ACCESS ROAD AGREEMENT

THIS AGREEMENT made and entered into by and between the STATE OF TENNESSEE through its Department of Highways, hereinafter called "DEPARTMENT" and the Town of Kimball , hereinafter called "Town."

WITNESSETH:

WHEREAS, the Department has tentatively allocated certain funds for the construction of the following described Industrial Access Road in the Town of Kimball, Tennessee, known and designated as Project No. 58945-3602-04 provided said Town will cooperate with said Department by acquiring the rights-of-way for the same;

The State to widen, install drainage and base and surface present roadway from State Route 2 to the bridge over Interstate 24 in Kimball.

WHEREAS, said Town has furnished the State with proof that the its application for an Industrial Access Road was approved by resolution No. \_\_\_\_\_, dated the 29th day of February , 1968.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. The Town agrees that it will acquire the rights-of-way and easements shown on the blue prints which accompany this agreement in accordance with provisions of Public Acts of 1959, Chapter 264, said rights-of-way to be free of obstructions, buildings and improvements, and said rights-of-way to be acquired without cost, now or hereafter, to said Department or to the State of Tennessee; and

2. The Town, agrees to save said Department and the State of Tennessee harmless from any and all claims or suits which may be brought by reason of the Department going upon said rights-of-way and the land covered by said easements and taking the same for the purpose of constructing said project, and by reason of the Department changing the grade and widening the existing highway; and

3. The Town agrees to remove or adjust, or have the owners of the same remove or adjust, all telephone, telegraph, light and power poles or towers, and all water, gas and sewer mains or pipes or any other facilities of any nature or description which may be necessary for the construction of said section of project, and will make or require abutting property owners to make such sewer, water and gas connections as may be necessary or desirable in advance of the laying of any pavement upon said project, and to secure permits for, and to assume the cost of any installation or re-installation of any railroad grade crossings and any signalization required, all without cost, now or hereafter, to the State of Tennessee or said Department.

FURTHER, the Department will, as soon as practicable after this agreement is executed and the necessary rights-of-way are acquired, either take bids for the construction of said project, and construct the same, or construct said project with State forces.

Said project is an Industrial Access Road and not on the State System of Highways and it is expressly agreed that after the construction is completed and all work performed under the agreement is accepted by the State, the Town will accept full responsibility for the maintenance of said section of road and will at all times keep it in a state of repair satisfactory to the State.

In case of failure of the Town to maintain the same in accordance with reasonable standards established by the Department of Highways, the latter may take over the maintenance of said road and charge the cost thereof to any of the Town funds in its hands or thereafter coming into its hands.

The State Highway Department will not share in the cost of constructing any part of an Industrial Highway within an Industrial Site or Park or privately owned tract of land unless (1) such part is a link in a highway serving areas beyond such Industrial Park or privately owned tract of land and (2) in which case the right-of-way or easements shall be conveyed to the State Highway Department as in the case of other highways.

The location and routing of said project, the names of the property owners at the time of the making of the survey, the location and extent of the right-of-way to be taken from each property owner, the improvements to be affected by the construction of said project, the buildings to be removed, the grade of the proposed highway and the grade of the present highway, and the above referred to telephone, telegraph, light and power poles or towers are shown in detail on the blue prints which accompany this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on this the \_\_\_\_\_ day of \_\_\_\_\_, 1970.

DEPARTMENT OF HIGHWAYS OF  
STATE OF TENNESSEE

By \_\_\_\_\_  
COMMISSIONER

By \_\_\_\_\_  
STATE HIGHWAY ENGINEER

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
ATTORNEY  
DEPARTMENT OF HIGHWAYS

\_\_\_\_\_ TOWN of \_\_\_\_\_ KIMBALL  
By \_\_\_\_\_  
MAYOR

SECTION 3: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed as far as the same affect this ordinance.

SECTION 4: That this ordinance shall take effect and be in full force from and after final passage, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball on final reading on the 22rd day of March, 1969.

s/ G. H. Bennett, Jr.  
\_\_\_\_\_  
Mayor

ATTEST:

s/ Mrs. G. H. Bennett, Jr.  
\_\_\_\_\_  
Recorder

ORDINANCE NO. 14

An Ordinance in reference to the proposal of the State of Tennessee Department of Highways as to Project SP-58007-2207-04 Marion County (City of Kimball).

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, the County of Marion, and the State of Tennessee:

SECTION 1: That the Town of Kimball does hereby accepts and agrees to be bound by the provisions of the proposal of the State of Tennessee Department of Highways in reference to Project No. SP-58007-2207-04 a copy of which is attached hereto , except as follows:

I. The City will notify in writing the Department Attorney within twenty (20) days of the service of process and not within ten (10) days of the filing as stated in Section 1 of the proposal and will furnish copies of the Declaration and all pleadings within twenty (20) days after they are received by the City. Mailing of such notice and copies to State of Tennessee Department of Highways, P. O. Box 910, Chattanooga, Tennessee 37401, Attention Departmental Attorney, shall be sufficient compliance with this Section.

II. The City will not pay for the removal, relocation or adjustment of any utility, including all telephone, telegraph, light and power poles, wires, towers, conduits, etc., all water, gas or sewer mains, or pipes located upon the rights-of-way of existing streets, highways alleys, or other public thoroughfares and required to remove, relocate or adjust for the construction, of said project.

Passed and approved by the Board of Mayor and Aldermen, on final reading on the 10th day of December, 1969.

s/G. H. Bennett, Jr. Mayor

ATTEST:

s/ Mrs. G. H. Bennett, Jr. Recorder

Passed on First Reading December 8, 1969

Passed Second Reading December 9, 1969

Passed Third Reading December 10, 1969



## PROPOSAL

### OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF TENNESSEE TO THE CITY OF KIMBALL, TENNESSEE

TO THE HONORABLE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF  
KIMBALL, TENNESSEE:

WHEREAS, the Department of Highways of the State of Tennessee, hereinafter called "DEPARTMENT", is willing to construct the following described project, known and designated as Project No. SP-58007-2207-04, a part of which is located in the City of Kimball, Tennessee, provided the City of Kimball will cooperate with the DEPARTMENT as outlined in this proposal.

Beginning at the Sweden Cove Road and extending in a northeasterly direction to the I-24 interchange at Station 97 t 00.

This proposal is accompanied by Department plans for Project No. SP-58007-2207-04, which show in detail the section of highway referred to in the above paragraph.

NOW, THEREFORE, the DEPARTMENT hereby proposes to the City of Kimball, Tennessee, hereinafter called "CITY" that:

1. If the CITY will agree that if any suits in cross-eminent domain are brought by reason of the DEPARTMENT going upon said rights-of-way and the land covered by said easements and constructing said project in the manner shown on said blue prints and by reason of the DEPARTMENT changing the grade and widening the existing streets, it will notify in writing, the DEPARTMENT ATTORNEY, of the institution of such suit, the declaration and all other pleadings, within ten (10) days of the filing thereof; and the DEPARTMENT will defend said suits without cost to the CITY; however, should the CITY fail to give the above stated written notices to the DEPARTMENT the CITY will defend said suits and pay any judgment which may be rendered and will waive any and all rights that it may have to the reimbursement of the CITY by the DEPARTMENT, for any expenses so incurred; and,

2. If the CITY will agree to prohibit, prevent, and remove any encroachments of any kind upon the right-of-way of said streets unless such encroachment shall be permitted and approved in writing by the DEPARTMENT; and,

3. If the CITY will agree to prohibit the servicing of motor vehicles within the rights-of-way of said streets; and,

4. If the CITY will agree to pass all ordinances, rules or regulations necessary to provide traffic lanes in accordance with the widths shown on the accompanying plans and drawings for moving traffic and to control or prohibit parking in accordance with these plans and drawings; and will agree that before passage, all such laws, rules, and regulations or ordinances shall first be subject to the approval of the DEPARTMENT; and if the CITY will agree that the installation of traffic control signs, lights, or other devices for the purposes of controlling the movement of traffic along or across said streets shall not be made before obtaining approval of the DEPARTMENT; and,

5. If the CITY will agree that when said project is completed, it thereafter will not permit any additional median cross-overs, the cutting of the pavements, curbs, gutters or sidewalks by any person, firm, corporation, or governmental agency, without first obtaining the consent of the DEPARTMENT; and,

6. If the CITY will agree that, when said project is completed, it thereafter, at its own cost and expense, will maintain all that part of said project, except the pavement from curb to curb which the DEPARTMENT, is required to maintain under Chapter 123 of the Public Acts of 1947, in a manner satisfactory to the DEPARTMENT, or to its authorized representatives, and will make ample provisions each year for such maintenance; and,

7. If the CITY will agree that if any frontage roads are constructed by the DEPARTMENT as a result of the construction of this project, it will maintain said frontage roads in the manner as CITY Streets are maintained, all without cost now or hereafter to the DEPARTMENT.

8. If the CITY will agree that after said project is completed and accepted, such parts of the present highway as are not destroyed, but are replaced by said project, will be taken off the State System and turned over to the CITY for future maintenance.

9. If the CITY will agree not to pass any laws, rules, regulations, or ordinances which would be in conflict with any of the above-prescribed provisions.

10. The DEPARTMENT agrees that when the construction of said project results in destruction of portions of water, gas, or sewer service connections of an abutting property owner, the DEPARTMENT will pay any damages legally due to the owner for destruction or damage to such service connections, or will make or arrange to have made such relocations, replacements or adjustments of said service connections which the DEPARTMENT determines are required, without cost to the CITY.

11. The DEPARTMENT will not pay for the removal, relocation or adjustment of any utility, including all telephone, telegraph, light and power poles, wires, towers, conduits, etc., all water, gas or sewer mains, or pipes located upon the rights-of-way of existing streets, highways, alleys, or other public thoroughfares and required to remove, relocate or adjust for the construction of said project.

12. Said DEPARTMENT will not pay for land belonging to a City, County, municipality, or an arm or agency of same which is held for and/or used as a public street, road, alley or other public thoroughfare.

13. The DEPARTMENT will, as soon as practicable, after this proposal is accepted, proceed to acquire, with State funds, the rights-of-way and easements required as shown on the accompanying plans, subject to future revisions, which may be required, without cost, now or hereafter to the CITY;and,

14. The DEPARTMENT will, as soon as practicable, after the necessary rights-of-way have been acquired, take bids for the construction of said project, and construct same with State funds.

IT IS REQUIRED of the CITY that this proposal be accepted, by proper ordinance, on or before the 31st day of October, 1969.

ENTERED OF RECORD AND EFFECTIVE AS OF \_\_\_\_\_.

STATE OF TENNESSEE  
DEPARTMENT OF HIGHWAYS

By \_\_\_\_\_  
Commissioner

By \_\_\_\_\_  
State Highway Engineer

APPROVED:

\_\_\_\_\_  
Attorney

ORDINANCE NO. 15

An ordinance to amend ordinance #5 of the Town of Kimball, of the County of Marion, and the State of Tennessee, this being an ordinance to regulate the disposal of waste within the corporate limits of the Town of Kimball.

BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, in the State of Tennessee;

SECTION 1: That Ordinance No. 5 which was heretofore passed on third and final reading on April 8, 1965, the same being an ordinance to regulate the disposal of waste within the Town of Kimball be and the same is hereby amended by adding the following to Section 1 of said ordinance:

That it shall further be unlawful for any person, firm, corporation, or other agency to operate or maintain any place within the corporate limits of the Town of Kimball where garbage, trash or other waste of any kind is dumped or otherwise disposed of.

BE IT FURTHER ENACTED that Section 2 be and is amended by adding thereto the following:

Each day's violation of any section, part or provision of this ordinance shall be a separate offense.

PASSED AND APPROVED on final reading this the 20th day of April, 1970.

s/ G. H. Bennett, Jr. Mayor

ATTEST:

s/ Mrs. G.H. Bennett, Jr. Recorder

Passed on 1st reading: April 17, 1970

Passed on 2nd reading: April 18, 1970

Passed on 3rd reading: April 20, 1970

ORDINANCE NO. 16

An ordinance regulating the sale of fireworks in the corporate limits of the Town of Kimball, of the County of Marion and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion and State of Tennessee!

SECTION I: That it shall be unlawful for any person, corporation, partnership or other business establishment of any kind or character to sell fireworks, or store fireworks within the corporate limits of the Town of Kimball, Tennessee, except at a fixed business location which must be at least 1,000 feet from any church and which must be located in an area where a majority of the buildings are used for commercial purposes.

SECTION II: That the word 'fireworks' as used in this Ordinance shall have the same meaning and definition as that set out in Chapter 30, Title 53-3001, et seq of Tennessee Code Annotated.

SECTION III: That the violation of any section, part or provision of this Ordinance is hereby described to be a misdemeanor, punishable upon conviction, by a fine of not less than Two (\$2.00) Dollars or more than Fifty (\$50.00) Dollars.

SECTION IV: That Ordinance No. 4 and any and all other Ordinances or parts of Ordinances conflicting with this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION V: That this Ordinance shall take effect and be in full force from and after final passage, public welfare declaring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen upon final reading on the 14<sup>th</sup> day of May, 1970.

s/ G. H. Bennett, Jr. Mayor

ATTEST:

s/ Mrs. G. H. Bennett, Jr. Recorder

Passed on 1st reading: May 11

Passed on 2nd reading: May 12

Passed on 3rd reading: May 14

## ORDINANCE NO. 17

The Mayor of the Town of Kimball, Tennessee, and the County Judge of Marion County hereby declare that the means for the full implementation of Emergency Plans for the protection of lives and property in the Town and County from enemy attack, natural disaster, or any other causes is essential. The Mayor and County Judge further find that in time of emergency which may imperil the safety of the inhabitants of the County, or their property it is necessary to effectuate and place in operation preconceived plans and preparations with a minimum of delay. The Mayor and County Judge further find, therefore, that the preparation, adoption and full implementation of such plans, together with the appointment, recruitment and training of personnel, are now imperative.

NOW, THEREFORE, IT IS ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, and resolved by the County Court of Marion County, Tennessee, that pursuant to the powers granted by Chapter No. 81, Public Acts of Tennessee of 1951, and amendments thereto (Section 7-601 et seq., Tennessee Code Annotated), the following joint Civil Defense Organization be established.

### SECTION I. Marion County Civil Defense Organization Created.

There is hereby created the Marion County Civil Defense Organization, which shall be a joint operation by the Town of Kimball, and the County of Marion for the purpose of organizing and directing Civil Defense for the citizens of the entire County. All other Civil Defense Agencies within the Corporate limits of Marion County shall be considered as a total part of the county-wide Civil Defense emergency resources and when such agencies operate out of its corporate limits it shall be at the direction, subordinate to, and as a part of the Marion County Civil Defense.

### SECTION II. AUTHORITY AND RESPONSIBILITIES:

#### A. Authority

In accordance with the Federal and State enactments of law, the Marion County Civil Defense Organization is hereby authorized to assist the regular government of the County and governments of all political subdivisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur affecting the lives, health, safety, welfare and property of the citizens of Marion County. The Marion County Civil

Defense Organization is hereby designated the official agency to assist regular forces in time of said emergencies.

B. Responsibilities:

The Marion County Civil Defense Organization shall be responsible for preparation and readiness against enemy caused and natural emergencies arising in Marion County, to establish and co-ordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans.

SECTION III. OFFICE OF DIRECTOR, HIS AUTHORITY AND RESPONSIBILITY:

A. Primary Authority

(1) The office of the Director of Civil Defense is hereby created. The Director shall have the authority to request the declaration of the existence of an emergency by the Mayor and County Judge or either or by higher authority as appropriate.

(2) The Director shall have overall responsibility for the preparation of all plans, recruitment and training of personnel. All local Civil Defense Plans will be in consonance with State Plans and shall be approved by the State CD Office.

(3) The Director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purposes of this Ordinance and Resolution, subject to the approval of the Chief Executive Officers of the City and County.

B. Responsibility of the Director

The Director shall be responsible to the Chief Executive officers of the City and County for the execution of the authorities, duties and responsibilities of the Marion County Civil Defense organization, for the preparation of all plans and administrative regulations and for recruitment and training of personnel.

SECTION IV. Marion County Civil Defense Corps Created.

The Marion County Civil Defense Corps is hereby created. The Corps shall be under the direction of the Director of Civil Defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the Corps members shall be outlined in the Civil Defense Emergency Plan.

## SECTION V. NO MUNICIPAL OR PRIVATE LIABILITY

The duties prescribed in this document is an exercise by the City and County of its governmental functions for the protection of the public peace, health and safety and neither the Town of Kimball nor Marion County, the agents and representatives of said City and County nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this document shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises for the purpose of sheltering persons during an actual, impending or practice enemy attack, shall together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or peremises under such license, privilege or other permission or for loss, of, or damage to, the property of such person.

## SECTION VI. EXPENSES OF CIVIL DEFENSE

No person shall have the right to expend any public funds of the City or County in carrying out any Civil Defense activities authorized by this document without prior approval by the governing bodies of the City and/or County or both; nor shall any person have any right to bind the City or County by contract, agreement or otherwise without prior and specific approval by the governing body of the City and/or County, or both. The Civil Defense Director shall disburse such monies as may be provided annually by appropriation of the City and County for the operation of the Civil Defense Organization. Control of disbursements will be as prescribed by agreement between the Treasurers of the City and County. He shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the City and County. All funds shall be disbursed upon vouchers properly executed by the Director of Civil Defense, subject to Audit by either the Town of Kimball or Marion County. The Civil Defense Director is hereby authorized to accept Federal contributions in money, equipment, or otherwise, when available, or State contributions, and is further authorized to accept contributions to the Civil Defense Organization from individuals and other organization, such funds becoming liable for audit by the City and County.

SECTION VII. That this ordinance and resolution take effect immediately upon its passage, the public welfare requiring it.

Passed as City Ordinance No. 17, on September 17, 1970.



ORDINANCE NO. 18

An Ordinance to Annex Certain Territory and to Incorporate Same Within the Corporate Boundaries of the Town of Kimball, Tennessee.

WHEREAS, a public hearing before this Body was held on the 25th day of May, 1972, pursuant to a Resolution adopted on the 27th day of April, 1972, and Notice thereof published in the South Pittsburg Hustler on May 12, and May 19, 1972; and

WHEREAS, it now appears that the prosperity of this Town and of the territory herein described will be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof, and of this Town as a whole; and

WHEREAS, a plan of service for this area was adopted by Resolution on April 27, 1972, as required by Section 6-309, of Tennessee Code Annotated.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

SECTION 1: Pursuant to the authority conferred by Tennessee Code Annotated, Section 6-308, et seq, there is hereby annexed to the Town of Kimball, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory, adjoining the present corporate boundaries:

Extend the east boundary of the said Town by running southwardly from the point of intersection of the L & N Railroad and Presley Branch (also known as Glover Branch at this Point) so as to run with the meanders of the said Branch to the mouth of same, at the bank of the Tennessee River; thence running southwestwardly with the bank of the said River to a point which would be the point of intersection of a southward extension of the present west boundary of the said Town, to the said River.

SECTION 2: This ordinance shall be effective from and after its passage, the public welfare requiring it.

Passed as City Ordinance No. 18, on June 29, 1972.

s/G. H. Bennett, Jr., Mayor Page 38

ATTEST:

s/Mrs. G. H. Bennett, Jr., Recorder

ORDINANCE NO. 19

An Ordinance to Establish a Town Court for the Town of Kimball, Tennessee, Provide for the Office of Town Judge, Provide for Maintenance of a Docket, Issuance of Arrest Warrants, Summonses and Subpoenaes, Provide for Trial and Disposition of Cases, Authorize Appearance Bonds, Provide for Imposition and Remission of Fines and Costs, and Provide for Appeals.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, of the State of Tennessee, that:

SECTION 1. There is hereby established a Town Court for the Town of Kimball, Tennessee.

SECTION 2. Ronnie Hudson of said Town is hereby designated and appointed as the Judge of the Town Court, and when so acting shall be known as the Town Judge. The term of appointment of said Ronnie Hudson as Town Judge shall extend until the next City election, at which time the City Judge shall be elected for the same term as prescribed for the Aldermen of the Town of Kimball; the said Judge to be elected by the Board.

SECTION 3. The Town Judge is vested with concurrent jurisdiction with General Sessions Judges of the State of Tennessee under the general laws of the State, in cases of violation of the criminal law of the State, or of the ordinances of the municipality and shall pay all fees of office to the Town Treasurer.

SECTION 4. The Town Judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, whether committed to workhouse, and all other information that may be relevant.

SECTION 5. Only the Town Judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

SECTION 6. When a complaint of an alleged ordinance violation is made to the Town Judge, the Judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender to personally appear before the Town Court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the Town Court as commanded Page 39

summons lawfully served on him, the cause may be proceeded ex parte, and the judgment of the Court shall be valid and binding subject to the defendant's right to appeal.

SECTION 7. The Town Judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his Court, and it shall be unlawful for any person lawfully served with such subpoena to fail or neglect to comply therewith.

SECTION 8. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the Town Court is in session or the Town Judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the Court.

SECTION 9. When the Town Judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the Town Judge, or in the absence of the Judge, with the ranking police officer on duty at the time, or may in the discretion of the ranking police officer be released without bond to appear before the Town Judge at a day and time certain, provided such alleged offender is not drunk or otherwise in need of protective custody.

SECTION 10. All fines and costs shall be imposed and recorded by the Town Judge on the Town Court docket in open court. After any fine and costs have been so imposed and recorded, the Town Judge shall have no power to remit or release the same or any part thereof except when necessary to correct an error. However, the Town Judge may at the trial of a case for good cause shown suspend a fine and costs, but may at a subsequent date upon violation of the terms of such suspension reinstate such fine and/or costs.

SECTION 11. Any defendant who is dissatisfied with any judgment of the Town Court against him may, within the 10 days next after such judgment is rendered, Sundays and legal holidays excepted, appeal to the next term of the Circuit Court upon posting a proper appeal bond.

SECTION 12. An appearance bond in any case before the Town Court shall be in such amount as the Town Judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the Town Court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the Circuit Court shall find against the appellant that fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county.

SECTION 13. All funds coming into the hands of the Town Judge in the form of fines, costs and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his Court during the current fiscal year.

SECTION 14. It shall be unlawful for any person to create any disturbance of any trial before the Town Court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever.

SECTION 15. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed on 1st reading June 28, 1973

Passed on 2nd reading June 29, 1973

Passed on 3rd reading June 30, 1973

PASSED AND APPROVED on final reading this the 30th day of June, 1973.

James V. Beene Sr.  
s/ James V. Beene, Sr., Mayor

ATTEST:

Louise Beene  
s/Louise Beene - Recorder

## EMERGENCY ORDINANCE NO. 20

An Ordinance Declaring the Policy and Purpose of the Town of Kimball, Tennessee, to Extend to the Employees and Officials of said Town not excluded by Law or this Ordinance, Whether Employed in Connection with a Governmental or Proprietary Function of said Town, the Benefits of the System of Federal Old Age and Survivors Insurance, as Authorized by the Federal Social Security Act, and Amendments thereto, upon the Basis of Applicable State and Federal Laws or Regulations; Authorizing and Directing the Mayor to Execute Agreements and Amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as Agent or Agency, for Coverage of Said Employees and Officials: Providing for Withholdings from Salaries and Wages of Employees and Officials of said Town so Covered to be made and Paid Over as Provided by Applicable State and Federal Laws or Regulations: Providing that said Town shall appropriate and Pay Over the Employer's Contributions as Provided by Applicable State or Federal Laws or Regulations: Providing that said Town shall Keep Records and Make Reports as Required by Applicable State or Federal Laws or Regulations: Excluding from this to any Position, Employee or Official Now Covered or Authorized to be Covered by any Other Ordinance Creating any Retirement System for any Employee or Official of said Town: or any Position, Employee or Official not Authorized to be Covered Under Applicable State or Federal Laws or Regulations: and Declaring an Emergency.

BE IT ORDAINED by the Mayor and Board of Aldermen of The Town of Kimball, Tennessee,

SECTION 1. It is hereby declared to be the policy and purpose of Town of Kimball, Tennessee, to extend, as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this Ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81 Congress. In pursuance of said policy, and for that purpose, the Town of Kimball, Tennessee, shall take such action as may be required by applicable State or Federal laws or regulations.

SECTION 2. The Mayor of the Town of Kimball, Tennessee, is hereby authorized and directed to execute all necessary agree-

ments and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in Section 1, hereof.

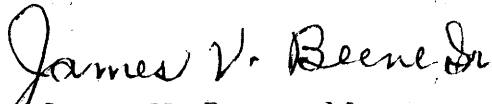
SECTION 3. Withholding from salaries or wages of employees and officials for the purpose provided in Section 1, hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid over to the State or Federal agency designated by said laws or regulations.

SECTION 4. There shall be appropriated from available funds such amounts at such times as may be required by applicable State or Federal laws or regulations for employer's contributions; which shall be paid over to the State or Federal agency designated by said laws or regulations.

SECTION 5. The said Town of Kimball shall keep such records and make such reports as may be required by applicable State or Federal laws or regulations.

SECTION 6. There is hereby excluded from this Ordinance any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other Ordinance creating any retirement system for any employee or official of the said Town or any employee, official or position not authorized to be covered under applicable State or Federal laws or regulations.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force from and after its passage, approval and publication as required by law, and shall be effective the 30th day of June, 1973.

  
s/ James V. Beene, Mayor

ATTEST:

Passed  
s/Louise Beene, Recorder

Passed on 1st reading June 28, 1973

Passed on 2nd reading June 29, 1973

Passed on 3rd reading June 30, 1973

ORDINANCE NO. 21

AN ORDINANCE TO ADOPT THE  
SOUTHERN STANDARD HOUSING CODE  
BY REFERENCE

BE IT ORDAINED AND ENACTED BY THE BOARD OF MAYOR AND  
ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE:

Section 1. Housing code adopted. Pursuant to authority granted by sections 6-620--6-625 of the Tennessee Code Annotated and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Southern Standard Housing Code, 1973 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this ordinance and is hereinafter referred to as the housing code.

Section 2. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the municipal governing body. Section 108 of the housing code is deleted.

Section 3. Available in recorder's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, three (3) copies of the housing code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

Section 4. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified.

Section 5. Enforcement. The Board of Mayor and Aldermen shall appoint a Housing Inspector who shall be responsible for enforcing the provisions of the code herein adopted by reference. The Housing Inspector shall have all the powers and duties prescribed for the "Building Official" in the adopted code and shall receive such compensation as the Board of Mayor and Aldermen may prescribe.

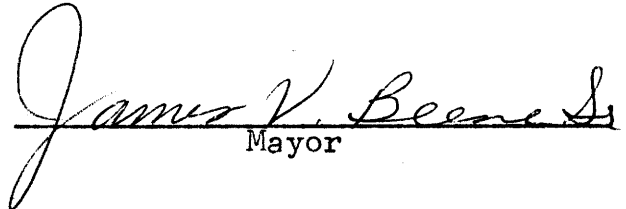
Section 6. Penalty. Any person, firm, corporation or agent who shall violate or fail to comply with any provision of the code herein adopted by reference shall be punishable in the City Court by a fine of not more than fifty dollars (50.00) for each offense and each day a violation or non-compliance continues shall constitute a separate offense.

Section 7. Date of Effect. This ordinance shall become effective from and after final passage, the public welfare requiring it.

Passed 1st reading 3/1/74

Passed 2nd reading 3/4/74

Passed 3rd reading 3/5/74

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder



ORDINANCE NO. 22

AN ORDINANCE TO ADOPT THE  
SOUTHERN STANDARD BUILDING CODE  
BY REFERENCE.

BE IT ORDAINED AND ENACTED BY THE BOARD OF MAYOR AND  
ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE:

Section 1. Building code adopted. Pursuant to authority granted by sections 6-620--6-625 of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Southern Standard Building Code, 1973 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference to as a part of this ordinance, is hereinafter referred to as the building code.

Section 2. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator", it shall be deemed to be a reference to the governing body of the municipality. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set forth in section 107.4 is amended so that the fees to be collected shall be exactly one-half of the sums herein prescribed. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 114 of the building code is hereby deleted.

Section 3. Available in recorder's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, three (3) copies of the building code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

Section 4. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified.

Section 5. Enforcement. The Board of Mayor and Aldermen

shall appoint a building inspector who shall be responsible for enforcing the provisions of the Code herein adopted by reference. The Building Inspector shall have all the powers and duties prescribed for the "Building Official" in the adopted code and shall receive such compensation as the Board of Mayor and Aldermen may prescribe.

Section 6. Penalty. Any person, firm, corporation or agent who shall violate or fail to comply with any provision of the code herein adopted by reference shall be punishable in the City Court by a fine of not more than fifty dollars (\$50.00) for each offense and each day a violation or non-compliance continues shall constitute a separate offense.

Section 7. Date of Effect. This ordinance shall become effective from and after final passage, the public welfare requiring it.

Passed 1st reading 3/1/74

Passed 2nd reading 3/4/74

Passed 3rd reading 3/29/74

James L. Beck  
Mayor

ATTEST:

James L. Beck  
Recorder

ORDINANCE NO. 23

AN ORDINANCE TO ADOPT THE NATIONAL  
ELECTRICAL CODE BY REFERENCE

BE IT ORDAINED AND ENACTED BY THE BOARD OF MAYOR AND  
ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE:

Section 1. Electrical code adopted. Pursuant to authority granted by sections 6-620--6-625 of the Tennessee Code Annotated and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code, 1971 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this ordinance and is hereinafter referred to as the electrical code.

Section 2. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wires, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician.

Section 3. Available in recorder's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, three (3) copies of the electrical code have been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

Section 4. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this ordinance and/or the requirements and standards prescribed by the electrical code.

Section 5. Enforcement. The electrical inspector shall be such person as the municipal governing body shall appoint or designate. It shall be his duty to enforce compliance with this ordinance and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary

to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this ordinance and/or the electrical code.

Section 6. Fees. The electrical inspector shall collect the same fees as are authorized in section 53-2442, Tennessee Code Annotated, for electrical inspections by deputy inspectors of the state fire marshal.

Section 7. Penalty. Any person, firm, corporation or agent who shall violate or fail to comply with any provision of the code herein adopted by reference shall be punishable in the City Court by a fine of not more than fifty dollars (\$50.00) for each offense and each day a violation or non-compliance continues shall constitute a separate offense.

Section 8. Date of Effect. This ordinance shall become effective from and after final passage, the public welfare requiring it.

Passed 1st reading 3/1/74

Passed 2nd reading 3/4/74

Passed 3rd reading 3/29/74

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

ORDINANCE NO. 24

ORDINANCE TO ESTABLISH OCCUPATIONAL SAFETY  
& HEALTH PROGRAM, DEVISE RULES AND REGULA-  
TIONS, AND TO PROVIDE FOR A DIRECTOR AND  
NECESSARY PERSONNEL FOR IMPLEMENTATION OF  
SUCH PROGRAM

In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Town of Kimball, Tennessee hereby establishes "The Occupational Safety and Health Program for its employees.

SECTION 1. BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE, that there be and is hereby created a safety and health program for employees of the Town of Kimball, Tennessee, as follows:

TITLE:

This Section shall be known as the "Occupational Safety and Health Program for the employees of the Town of Kimball, Tennessee."

AUTHORITY:

The Town of Kimball hereby designates the Fire Chief hereinafter referred to as the "Director" to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972 and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards.

This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following;

- (1) The Director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace or environment where work is performed in the Town of Kimball; and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.

- (2) The Director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.
- (3) The Director shall provide for education and training of personnel for the administration the program, and he shall provide for the education and training of all employees of the Town to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.
- (4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.
- (5) All employees of the Town shall be informed of safety hazards, exposure to toxic or harmful materials and imminent danger situations that may occur in their jobs.
- (6) The Director or his authorized representative shall upon any allegation of ~~imminent~~ danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case he or his authorized representative shall take appropriate action to correct the situation.
- (7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.
- (8) The Director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.
- (9) The Director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours.
- (10) The Director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the Town does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

- (11) The Director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.
- (12) The Director shall apply this program to employees of each administrative department, commission, board, division or other agency of the Town of Kimball.
- (13) The Director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the Town of Kimball in its Occupational Safety and Health Program.
- (14) The Director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the Director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved by the action thereon shall be noted on said reports and signed by the Director or his designees.

SECTION 2. BE IT FURTHER ORDAINED that said plan upon its approval by the Board of Mayor and Aldermen shall become effective to the Town of Kimball and at that time shall become a part of this ordinance as fully and completely as if set out herein.

SECTION 3. BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of adoption as provided by law.

Passed on 1st reading 3/1/74

Passed on 2nd reading 3/4/74

Passed on 3rd reading 3/5/74

James V. Beene Sr  
Mayor

Louise Beene  
Recorder

ORDINANCE NO. 25

An Ordinance to Annex Certain Territory  
and to Incorporate Same Within the  
Corporate Boundaries of the Town of  
Kimball, Tennessee:

WHEREAS, a public hearing before this Body was held on the 17th day of May, 1974, pursuant to a Resolution adopted on the 7th day of May, 1974, and Notice thereof published in the South Pittsburg Hustler on May 9, 1974; and

WHEREAS, it now appears that the prosperity of this Town and of the territory herein described will be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof, and of this Town as a whole; and

WHEREAS, a plan of service for this area was adopted by Resolution on 7th day of May, 1974, as required by Section 6-309, of Tennessee Code Annotated.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

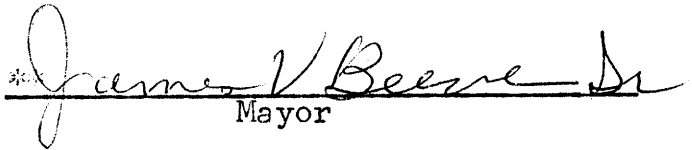
**SECTION 1:** Pursuant to the authority conferred by Tennessee Code Annotated, Section 6-308, et seq, there is hereby annexed to the Town of Kimball, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory, adjoining the present corporate boundaries:

Extend the East boundary of said Town by running Eastwardly along Kimball point from the Northeast present corner of said Town, approximately parallel with old U.S. Highway #41 to a point just West of the Glover Hill Road; thence following the West boundary of the Glover Hill Road to U.S. Highway #41; thence East on U.S. Highway #41 in the North boundary of the same to a road which leads to a former landfill; thence following the West boundary line of said road to the L.&N. Railroad right-of-way; thence crossing said right-of-way and following said road to the point in Burns Island in the Tennessee River; thence in a South-



westerly direction to a point wherein Glover Branch enters the Tennessee River on the land site; thence following the meanders of the branch in a Northerly direction and extending the same, following the old Eastern boundary line of the City to the point of beginning.

SECTION 2. This Ordinance shall be effective from and after its passage, the public welfare requiring it.  
Passed as City Ordinance No. 25, on the 30th day of May, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

Passed on 1st reading May 30, 1974

Passed on 2nd reading May 31, 1974

Passed on 3rd reading June 1, 1974

ORDINANCE NO. 26

An Ordinance to classify Usage of Certain Properties within the Town of Kimball and Zone Certain Real Estate Within Said Town:

WHEREAS, the Town of Kimball has made growth in the area of commercial use of its real estate; and

WHEREAS, it now appears proper that certain areas within said town be classified and zoned for general commercial use.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that Commercial Zoning shall be as follows:

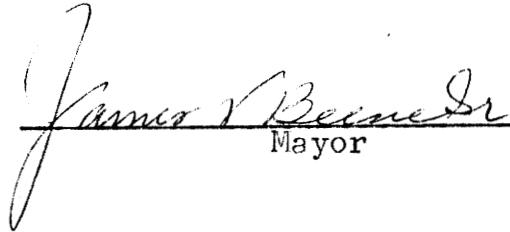
"The use of any retail business, agricultural implement, sales, service and repair, bakery shops, bowling alleys, drive-in theaters and restaurants and outdoor theaters, drug stores, gasoline service stations, hobby, antique and souvenir shops, motels, grocery stores, used car lots, sales and service of boats, mobile homes and travel trailers, and in general the commercial use as is usual on commercial property."

BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the following area shall be classified as Commercial:

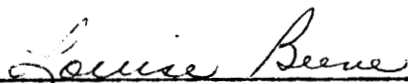
"BEGINNING at a point where the Eastern most boundary of the Cumberland View Cemetery intersects with U.S. Highway 41, 64 & 72; thence following the Eastern boundary of said cemetery South as extended on down to the Tennessee River; thence following the meanders of the Tennessee River to the point that the boundary of the Town of Kimball intersects the same; thence generally in a Westerly direction along the Town boundary to U.S. Highway No. 72; thence with the Town boundary of U.S. Highway 72 following U.S. Highway 72 in a Westerly direction to I-24; thence in a Westerly direction following I-24 West to the point which will be one (1) mile West of I-24; thence North to Old U.S. Highway 41 following the North boundary of Old U.S. Highway 41 to the point of the gift shops at the Dixie Lee Junction; thence around the gift shops and the commercial area approximately 1000 feet on the side of the mountain to the point parallel with the point of beginning; thence in a Southerly direction to the point of beginning."

THIS ORDINANCE shall be effective from and after its passage, the public welfare requiring it.

Passed as City Ordinance No. 26 on this 30th day of May, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

Passed on 1st reading May 30, 1974

Passed on 2nd reading May 31, 1974

Passed on 3rd reading June 1, 1974

AN ORDINANCE TO PROVIDE THAT SWINE (HOGS) SHALL NOT BE KEPT OR ALLOWED TO ROAM WITHIN A CERTAIN DISTANCE OF A RESIDENCE OR COMMERCIAL BUILDING WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL.

Be it ordained by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

Section 1. That swine (hogs) shall not be kept or allowed to roam within 1000 feet of a residence or commercial building within the corporate limits of the Town of Kimball; except such buildings which may be owned by those keeping such animals.

Section 2. That those persons now keeping swine (hogs) or allowing same to roam within the distance of a residential or commercial building specified in Section 1 shall comply with this Ordinance no later than 25<sup>th</sup> day of August, 1974.

Section 3. That any Ordinance or part of any Ordinance in conflict herewith is hereby repealed.

Adopted in Regular session by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on 7/25/74 1974.

First Reading 7/25/74, 1974  
Second Reading 7/26/74, 1974  
Third Reading 7/27/74, 1974

ATTEST:

Louise Beene  
City Recorder

James V. Beene Sr  
Mayor

ORDINANCE NO. 28

AMENDMENT TO ORDINANCE NO. 2 & 11

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee

That Ordinance No. 2, heretofore enacted and passed on final reading on April 4, 1965, being an ordinance to regulate the sale of beer in the Town of Kimball, and Ordinance No. 11, being an amendment to said Ordinance, passed on final reading on August 23, 1967, the same is hereby amended and changed by striking from said Ordinances Section 6 thereof and substituting in the place a new Section 6 through 15 as follows:

SECTION 6: That it shall hereafter be unlawful for any person, firm, corporation or association to sell or distribute any such beverages within the corporate limits of the Town of Kimball from 12 midnight until 6:00 A.M. on week days, and from 12 midnight on Saturday until 1:00~~00~~ A.M. on Sunday, except that such beverages may be sold by a duly licensed dealer for off-premise consumption only, from 6:00 A.M. on Sunday until 10:30 P.M. on Sunday.

SECTION 7: That no beer permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with school, church, or other public health, safety, and morals. In no event, will a permit be issued authorizing the storage, sale, or manufacture of beer at places within Kimball between Driver's Inn and Van Hoosier's store, or within 1000 feet of any school, church, or other places of public gathering measured along street right of way.

SECTION 8: That it shall be unlawful for any beer permit holder to allow any loud, unusual, or obnoxious noises to emanate from his premises.

SECTION 9: That it shall be unlawful for any beer permit holder to make or allow any sale of beer to a minor under eighteen (18) years of age.

SECTION 10: That it shall be unlawful for any beer permit holder to allow any minor under eighteen (18) years of age to loiter in or about his place of business.

SECTION 11: That it shall be unlawful for any beer permit holder to make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

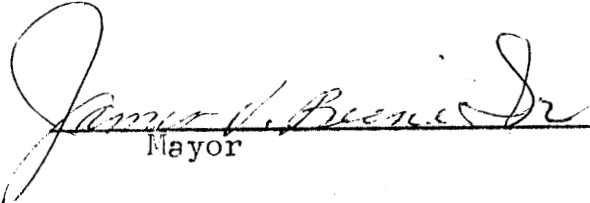
SECTION 12: That it shall be unlawful for any beer permit holder to allow drunk or disreputable persons to loiter about his premises.

SECTION 13: That it shall be unlawful for any beer permit holder to serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five per cent (5%) by weight.

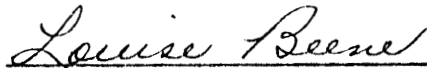
SECTION 14: That it shall be unlawful for any beer permit holder to fail to provide and maintain separate sanitary toilet facilities for men and women.

SECTION 15: That the beer board shall have the power to revoke any beer permit issued under these Ordinances when any of the above Sections are violated.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 3 day of December 1974.

  
Mayor

ATTEST:

  
Recorder

Passed on 1st reading 11/30/1974

Passed on 2nd reading 12/2/1974

Passed on 3rd reading 12/3/1974

ORDINANCE NO.29

An ordinance regulating mobile homes and parks in the Town of Kimball, of the County of Marion and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion and State of Tennessee:

SECTION 1: That any one owning a lot may place a mobile home on it and have all rights to move off and return with no restriction, as long as the lot meets all health and other requirements, and any one wanting to open a court may do so, by meeting all state, county, and city regulations.

SECTION 2: That this Ordinance cannot be changed with out a vote of at least fifty-one (51%) per cent of the residents of Kimball of voting age, voting in a regular election to change this Ordinance, in any form.

Passed and approved on final reading this the 3 day of December, 1974.

James V. Beene, Jr.  
Mayor

ATTEST:

Louise Beene  
Recorder

Passed on 1st reading: 11/30/1974  
Passed on 2nd reading: 12/2/1974  
Passed on 3rd reading: 12/3/1974

ORDINANCE NO.30

An Ordinance regulating who shall be eligible to run for office and vote in the Town of Kimball, of the County of Marion, and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee:

SECTION 1: That they must be a registered voter in the County of Marion, Town of Kimball. Residents who have moved in from out of state must have lived in Marion County at least one year, from county to county in Tennessee at least three months, and from city to city in Marion County at least one month, to be eligible to vote.

SECTION 2: That those running for an elected office must be a property owner within the incorporated limits of the Town of Kimball, the County of Marion, and the State of Tennessee.

SECTION 3: That those running for an elected office must have reached the age of 18 years of age before the election of officers.

SECTION 4: That this ordinance shall take effect and be in full force from and after final reading, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball on final reading on the 3 day of December, 1974.

James V. Beene Jr  
Mayor

ATTEST:

Louise Beene  
Recorder

Passed on 1st reading 11/30/1974  
Passed on 2nd reading 12/2/1974  
Passed on 3rd reading 12/3/1974



ORDINANCE NO. 31

An Ordinance controlling pay of bonuses to elected officials and employees of the Town of Kimball, of the County of Marion, and the State of Tennessee.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee:

SECTION 1: That it shall be unlawful for any elected official of the Town of Kimball to receive more than two (\$2.00) dollars per meeting of the Board.

SECTION 2: That it shall be unlawful for any elected official of the Town of Kimball to receive more pay than expenses, plus lost time pay from job to attend any business meeting. This will have to be approved by the Board for each trip.

SECTION 3: That it shall be unlawful to pay Town of Kimball employees a bonus, unless they have at least one year of continuous employment with the Town. Then not over one (1) weeks regular pay.

SECTION 4: That this ordinance shall take effect and be in full force from and after final reading, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball on final reading on 11 day of Jan., 1975.

James V. Beene Jr  
Mayor, Town of Kimball

ATTEST:

Louise Beene  
Recorder, Town of Kimball

Passed on 1st reading 1/9/75

Passed on 2nd reading 1/10/75

Passed on 3rd reading 1/11/75

ORDINANCE NO. 32

AN ORDINANCE TO CONTROL FRUIT STANDS AND OTHER STANDS SELLING GOODS WITHIN THE TOWN OF KIMBALL, OF THE COUNTY OF MARION, AND THE STATE OF TENNESSEE.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Alderman of the Town of Kimball, of the County of Marion, and the State of Tennessee:

SECTION 1: That anyone placing a stand for the sale of goods of any kind must first obtain a permit from the City Recorder, or permission from the Board.

SECTION 2; That a fee of \$15.00 (fifteen dollars) must be paid to the Recorder upon receiving a permit, to cover the cost.

SECTION 3; That it shall be the duty of all City officials and policemen to see that this Ordinance be enforced.

SECTION 4; That permits issued under this Ordinance may be revoked at any time by the Board of Mayor and Aldermen.

SECTION 5; That permits must be exhibited upon request by any City official or policeman.

SECTION 6; That should any part of this Ordinance be held invalid by a Court of Law, the remaining part shall be serviceable and continue in full force and effect.

SECTION 7; That this Ordinance shall take effect and be in full force from and after final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen  
on final reading on 30 day of December, 1975.

Passed 1st Reading June 25, 1975

Passed 2nd Reading December 29, 1975

Passed 3rd Reading December 30, 1975

James V. Beene Sr  
Mayor, Town of Kimball

Carolyn T. Bradford  
Recorder, Town of Kimball

ORDINANCE AUTHORIZING MAYOR  
TO SIGN LOAN REQUEST

WHEREAS, the Town of Kimball desires to share in the cost of a 201 facility plan for sewage treatment works; and,

WHEREAS, Tennessee Code Annotated, Sections 53-2017, et seq, provide that the State may loan certain funds to a municipality wishing to construct a sewage treatment works; and,

WHEREAS, a 201 facility plan, designated Project No. SC47096-01-A, would require a State loan of \$1,650.00 to the Town of Kimball, to be used as its share of the costs of said plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball as follows;

SECTION 1. The Mayor of the Town of Kimball, Mr. Jordan Hill, Jr., is authorized to make application on behalf of the Town of Kimball for a State loan to be used as the Town of Kimball's share of the costs of a 201 facility plan for sewage treatment works.

SECTION 2. The Mayor is authorized to make a loan request for a 201 facility plan in the amount of \$1,650.00.

This Ordinance shall take effect on June 27, 1977, the welfare of the Town of Kimball requiring it.

APPROVED ON FIRST READING: May 23, 1977

APPROVED ON SECOND READING: June 20, 1977

APPROVED ON THIRD READING: June 27, 1977

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE AUTHORIZING EXPENDITURE  
FOR FINANCIAL AUDIT SERVICES

WHEREAS, Tennessee Code Annotated, Section 6-801, requires the governing body of every municipal corporation to have conducted a thorough audit of the financial affairs of said corporation not less than once every two years; and,

WHEREAS, the Town of Kimball desires to have the firm of James B. Frost & Associates, Certified Public Accountants, perform a financial audit of the records of the Town of Kimball; and,

WHEREAS, certain funds will have to be appropriated for the services rendered by James B. Frost & Associates.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball that:

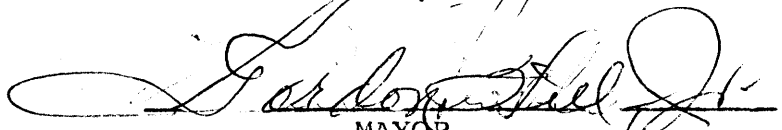
SECTION 1. The Mayor of the Town of Kimball is authorized to enter into a contract for services with James B. Frost & Associates to perform a thorough financial audit of the affairs of the Town of Kimball, said audit not to exceed \$850.00.

This Ordinance shall take effect immediately upon final passage, the welfare of the Town of Kimball requiring it.

APPROVED ON FIRST READING: May 23, 1977

APPROVED ON SECOND READING: June 20, 1977

APPROVED ON THIRD READING: June 27, 1977

  
MAYOR

ATTEST:

  
CLERK

ORDINANCE NO. 35

AN ORDINANCE TO APPROPRIATE THE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978, TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball desire to operate in the most economical and efficient manner, and,

WHEREAS, the Board of Mayor and Aldermen, have adopted a budget to better control the expenditure of funds, now,

THEREFORE BE IT ORDAINED that the anticipated revenue for the operation of the Town of the 1977-78 fiscal year are appropriated to the uses as follows: GENERAL FUND

Section 1. REVENUE

State Sales Tax	\$21,708.95
Local Beer Tax	13,914.52
Local Sales Tax	17,539.62
Interest on Certificates of Deposit	1,181.25
City Streets & Transit Systems Aid	7,695.66
State Beer Tax	435.39
Misc., Rent & Income Tax	8,142.46
Building Permits	<u>138.34</u>
Total	70,756.19

Section 2. APPROPRIATION

Salaries	48,189.19
Maintenance & Labor	2,000.00
Utilities	3,500.00
Post Office, Advertising & Office Supplies	600.00
Gasoline	4,385.00
Police Equipment	400.00
Insurance	5,057.00
Social Security	2,625.00
Tool & Materials	1,500.00
Misc., Yearly Payments & Elections	<u>2,500.00</u>
Total	70,756.19

STATE STREET AID FUND

Section 3. REVENUES

State Shared Gas Tax	\$13,709.93
Interest on Certificates of Deposit	1,051.60
Reimbursement for personal services by Highway Dept.	<u>1,051.60</u>
	16,384.71

Section 4. APPROPRIATIONS

Road Repairs	11,460.01
Labor on Rights of Way	1,500.00
Street Lights	<u>3,424.70</u>
	16,384.71

FEDERAL REVENUE SHARING FUND

Section 5. REVENUES

Federal Revenue Sharing Funds	12,815.25
Savings Account	<u>6,570.00</u>
	19,385.25

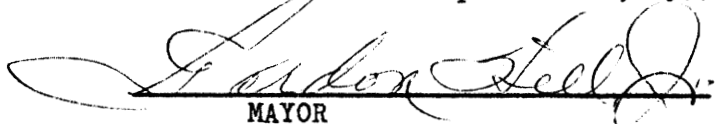
APPROPRIATIONS

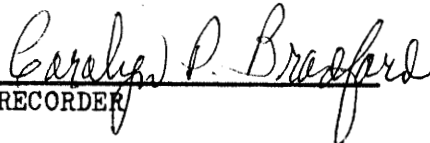
Police Car	6,570.00
Sanitary Landfill	4,000.00
Upkeep on City Vehicles	4,000.00
Fire Truck - Equipment & Supplies	500.00
Salaries	<u>4,315.25</u>
	19,385.25

Section 6. BE IT FURTHER ORDAINED, That if any section, sentence or word of this Ordinance should be declared invalid by a court of competent jurisdiction, such holding shall not affect the remaining sentence, sections or words of this ordinance, but the same shall remain in full force and effect.

Section 7. BE IT FURTHER ORDAINED, that this ordinance shall be effective from and after its passage, the public welfare requiring it.

APPROVED ON FIRST READING: September 6, 1977  
APPROVED ON SECOND READING: September 12, 1977  
APPROVED ON THIRD READING: September 26, 1977

  
MAYOR

ATTEST:   
RECORDER

AN ORDINANCE LEVYING A TAX ON ALL TAXABLE PROPERTY IN THE TOWN OF KIMBALL, TENNESSEE, SETTING THE RATES THEREOF, AND PROVIDING FOR COLLECTION OF SAID TAX.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, have given much consideration of the establishment of a tax on all property located within the boundaries of the Town of Kimball; and,

WHEREAS, said Board of Mayor and Aldermen consider it to be in the best interest of the citizenry of said Town to establish a property tax and to set a rate thereon for the purpose of generating needed income for the operation of said municipality.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee.

SECTION 1: That there is hereby levied and enacted a tax on all property within the boundaries of the Town of Kimball, which is taxable by municipalities under the laws of the State of Tennessee.

SECTION 2: That the rate of said tax shall be the amount of \$0.40 on each \$100.00 of assessed valuation.

SECTION 3: That said tax shall become a lien upon all property on and after January 1st of each year, shall become due and payable on and after October 1st, next following, shall become delinquent on and after March 1st, of the year following the date it becomes due and payable, and shall bear interest and penalties as provided by laws of the State of Tennessee pertaining to Municipal Taxes.

SECTION 4: In accordance with T. C. A. Section 6-731 for the purposes of said tax and determination of the amounts due thereunder, the assessment made by the County Tax Assessor of Marion County, Tennessee, upon property within the boundaries of the Town of Kimball, Tennessee, shall be used and hereby adopted until said time as the said Town may by appropriate action provide separate means of assessment and provided that where property lying partly within the Town and partly outside the Town shall be assessed in one assessment by the County Tax Assessor without allocation of value as to the portion lying within the Town, in such event, the Board of Mayor and Aldermen of the Town of Kimball shall have full power and authority to determine what part of such assessed value is properly allocable to property within said Town.

Utilities and carriers shall be assessed by the means and in the manner provided by State law for assessment of such property.

SECTION 5: That the taxes herein levied shall be paid to the Recorder of the Town of Kimball, Tennessee, or such other official or employee as the Town may by Ordinance or Resolution designate.

SECTION 6: That the taxes herein levied may be collected in the same manner as is provided for collection of delinquent Municipal Taxes by the laws of the State of Tennessee and any ordinance, or ordinances, of the Town of Kimball, Tennessee.

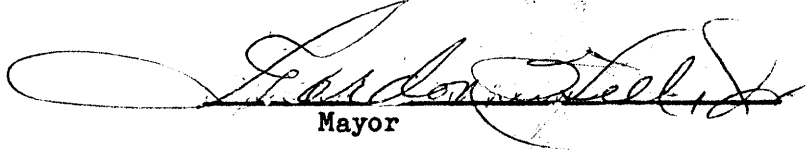
SECTION 7: That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 8: That should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

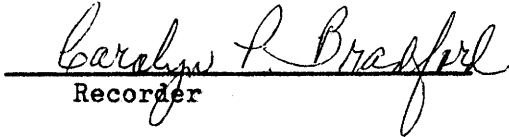


SECTION 9: That this ordinance shall take effect and be in force from and after January 1, 1979, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading this the 28<sup>th</sup> day of July, 1978.

  
Mayor

ATTEST:

  
Recorder

Passed on 1st reading March 31, 1978

Passed on 2nd reading April 28, 1978

Passed on 3rd reading July 28, 1978

## EXCLUSIVE FRANCHISE ORDINANCE

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO CARDINAL CABLEVISION, INC., TO OPERATE AND MAINTAIN A COMMUNITY ELECTRONIC SYSTEM IN THE CITY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR CITY REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF KIMBALL AS FOLLOWS:

SECTION 1: Short Title. This Ordinance shall be known and may be cited as the City of Kimball Cable Television Franchise Ordinance.

SECTION 2: Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number. The word "shall" is always mandatory and not merely directory.

SECTION 3: Grant of Authority: There is hereby granted by the City to Cardinal Cablevision, Inc., hereinafter referred to as the Company, the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over and under the street, alleys, public ways, easements and public places now laid out or dedicated and all extensions thereof, and additions thereto in the City, poles, wires, cables, underground conduits, manholes and other electronic equipment and fixtures necessary for the maintenance and operation in the City of a community electronicsystem for the interception, sale and distribution of electronic signals.

SECTION 4: Compliance with the Applicable Laws and Ordinances. The Company shall, at all times during the life of this Franchise, be subject to all lawful exercise of the police power of the City, and to such reasonable regulation as the City shall hereafter by resolution or ordinance provide.

SECTION 5: Company Liability-Indemnification. It is expressly understood and agreed by and between the Company and the City that the Company shall save the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claims or demand whatsoever, resulting from the construction, operation, or maintenance on the part of the Company of its television system in the City. The City shall notify immediately after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any activity as aforesaid on the part of the company. The Company shall carry and pay the cost of the following insurance, in at least the amount indicated below for each injury to or death of persons and injury to or destruction of property as a result of any operations which are necessary or incidental thereto, the same to include the City as a named insured.

- (1) \$100,000.00 for property damage to any one person
- (2) \$2000,000.00 for property damage in any one accident
- (3) \$100,000.00 for personal injury to any one person
- (4) \$300,000.00 for personal injury in any one accident

SECTION 6: Service Standards. The Company shall maintain and operate its its system and render efficient service in accordance with the rules and regulations as are, or may be, set forth by the Town and as provided for in Section 10 of this Ordinance.

(1) Notice of Interruption for Repairs. Wherever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installation, the Company shall do so at such times as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately

necessary, it shall give reasonable notice thereof to its customers.

SECTION 7: Company Rules. The Company shall have the authority to promulgate such rules, regulation, terms and conditions governing the conduct of its business as shall be reasonable necessary to enable the Company to exercise its rights and perform its obligations under this Franchise, subject to approval of the Council, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such the provisions hereof or of laws or rules of the state of the United States and the City.

SECTION 8. Condition on Street Occupancy. (1) The Company shall enter into a separate contract with the Sequachee Valley Electric Cooperative and/or South Central Bell Telephone Company as to the use of their poles or post within the City and also comply with the City Ordinances so far as street occupancy is concerned.

(2) The Company system, poles, wires and appurtenances shall be located, erected and maintained so that none of it shall endanger or interfere with the lives of persons, or interfere with any improvements the City may deem proper to make, or hinder unnecessarily or obstruct the free use of the street, alleys, bridges or other public property.

(3) Construction and maintenance of the transmission distribution system, including house connections shall be in accordance with the provisions of the National Electric Safety Code of the National Board of Fire Underwriters, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable Ordinances and regulations of the City, affecting electrical installations which may be presently in effect or may be enacted by the Town. Installation and house drop hardware shall be uniform throughout the City, except the Licensees shall be free to change their hardware and installation procedure as the art progresses.

(4) Whenever the activities of the Company shall damage any surface, pavement or sidewalks, the Company shall at its expense restore all such surface, pavement, or sidewalks to the satisfaction of the City. In the event any street or way is altered by the City requiring the alteration or removal of any part of the Company's system, the Company shall bear the cost of such alteration or removal.

SECTION 9: Original Installation. The Company shall, unless additional time is granted, start the Original installation for Cable Television service within twenty-four (24) months from the effective date of this franchise and shall thereafter make service available to no less than an additional 20% of the total residences each year until service is available to all city residents.

SECTION 10: City Rights in Franchise. (1) City Rules. The right is hereby reserved to the City to adopt, in addition to the provisions herein contained and existing applicable ordinances such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or otherwise, shall be reasonable, and not in conflict with the rights herein granted, and shall not be in conflict with the laws of the State of Tennessee.

(2) Picture Quality. The antenna, receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscribed receivers throughout the system essentially of the same quality as those received at the antenna site.

(3) Supervision and Inspection. The City shall have the right to supervise all construction or installation work performed subject to the provisions of this Ordinance and to make such inspections as it shall find necessary to insure compliance with Governing ordinances.

SECTION 11. Payments to the City. The Company shall pay to the City, in addition to any and all privilege licenses and ad valorem taxes or other charges hereafter levied by the City, a sum of three per cent (3%) of the annual gross operating revenues received by it within the City during each year of operation under this Franchise. "Operating revenues" shall include all net receipts from sales of TV signals within the City and all net receipts from installation charges within the

City. Said payments shall be made annually on July 1, subsequent to the first year's operation.

SECTION 12. Rates. Rates charged by the Company for service hereunder shall be fair and reasonable and designed to meet all necessary costs of the service, including a fair rate of return on the net valuation of its properties devoted thereto, under efficient and economical management. The Company agrees that it shall be subject to all authority now or hereafter possessed by the City or any other regulatory body having competent jurisdiction, to fix just, reasonable and compensatory television signal distribution rates. When this Franchise takes effect, the Company shall have authority to charge and collect not to exceed the following schedule of rates, which shall remain in effect until changed or modified in accordance with the general standards set out in this section.

(1) Rate Schedule:

(a) Installation Charges. \$15.00, initial hook-up fee and \$7.50 for an extra set hook-up.

(b) Service Charge. The monthly charge cannot exceed \$7.00 per month for the first two years of operation, and not to exceed 1/7 of said sum for each additional set or outlet in the same building. After the first two years the Company may increase the monthly charge upon approval by the Board of Mayor and Aldermen.

SECTION 13. Free Connections and Service. Upon request, Company shall furnish, free of charge, outside connections and service to all hospitals, and public schools located within the City, and to Municipal Buildings when other connections are being made within the particular area; provided however, any and all inside wiring or work shall be done at the expense of the hospital, school or city, as the case may be, and provided that a service cable runs in reasonable proximity to such building.

SECTION 14. Records and Reports. The City shall have access at all reasonable hours to all of the Company's plans, contracts and engineering, accounting, financial, statistical, customer and service records relating to the property and the operation of the Company, and to all other reports shall be filed with the City and in the local office of the Company;

(1) Company Rules and Regulations. Copies of such rules, regulations, terms, and conditions adopted by the Company for the conduct of its business.

SECTION 15. Terms of Franchise. Upon continuing the complete performance by the Company of each and every term of this agreement, the permission herein granted shall continue for a term of ten (10) years, with an option to renew for ten more years.

SECTION 16. Separability. If any section, subsection, sentence, clause phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 17. Transfer or Assignment. This Franchise Ordinance is granted exclusively to Cardinal Cablevision, Inc. and any transfer or assignment by Cardinal Cablevision, Inc., to any other person, firm or entity, without the prior approval of the Mayor and Board of Aldermen is prohibited.

SECTION 18. Penalties. Failure to enforce or insist upon compliance with any of the terms of conditions of this agreement shall not constitute a general waiver of relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

SECTION 19. Channels Available. The Company shall install a system capable of distributing all channels technically available. The Company shall carry all available commercial television channels, which shall include all of the major television networks and one educational channel provided that satisfactory reception of such channel is available.

THE COMPANY SHALL ALSO PROVIDE:

(1) Time and weather channel furnished as an incidental part of community antenna service to all subscribers without additional charge.

(2) One channel or band will be available for the use of the City. The City will pay for any special equipment necessary to fee into the system, such as TV cameras, fire alarm boxes, etc., and will pay for the maintenance for such special equipment.

SECTION 20. Activities Prohibited. The Company shall not allow its cable or their operations to interfere with television reception of persons not served by the cable, nor shall it interfere with, obstruct, or hinder in any manner, the operation of the various utilities serving the residents of the City. (The Company shall not perform repair service to television sets and shall not permit any of its employees, installers or servicemen to perform such services on their own)

SECTION 21. Ordinances Repealed. All ordinances or parts ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 22. Effective Date. This Ordinance shall take effect upon passage, the public welfare requiring it.

PASSED on 1st reading 5/12/78

PASSED on 2nd reading 5/19/78

PASSED on 3rd and final 6/9/78  
reading and adopted

ATTEST:

Carolyn L. Bradford  
Recorder

APPROVED:

Garson Bell Jr.  
Mayor

# Town of Kimball, Tennessee

P.O. BOX 12  
SOUTH PITTSBURG, TENNESSEE 37380

CHESTER BLEVINS  
ALDERMAN

LEONARD V. PEOPLES  
MAYOR

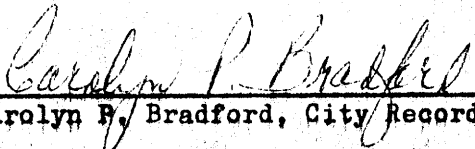
WALTER W. McCLAIN  
ALDERMAN

November 26, 1979

TO WHOM IT MAY CONCERN

The Board of Mayor and Aldermen of the Town of Kimball, Tennessee, approved on the above date, on third and final reading, an amendment to Ordinance number 37. Ordinance number 37 gives an exclusive franchise for Cable T, V. in the Town of Kimball to Cardinal Cablevision, Inc.

The Board hereby understands the franchise of Cardinal Cablevision, Inc. within the Town of Kimball will be transferred to Sun Cablevision Company of the South,

  
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Carolyn P. Bradford, City Recorder

AN ORDINANCE TO REGULATE THE ERECTION, LOCATION AND CHARACTERISTICS OF SIGNS AND BILLBOARDS.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball of Marion County, Tennessee:

SECTION 1. That prior to the erection of any sign within the corporate limits of the Town of Kimball the property owner on which said sign is to be placed must obtain a building permit approved by the Mayor and Board of Aldermen.

SECTION 2. No building permit shall be issued for the construction of any sign within the corporate limits of the Town of Kimball which sign shall in any way interfere with the safe flow of traffic on any public road or which sign may be dangerous to any pedestrian or would in any other interfere with the general welfare of the citizens of the Town of Kimball.

SECTION 3. The erection of any sign without the proper approval and issuance of a building permit shall subject the person constructing said sign and/or the owner of the property on which the sign is located to a fine of not more than \$50.00.

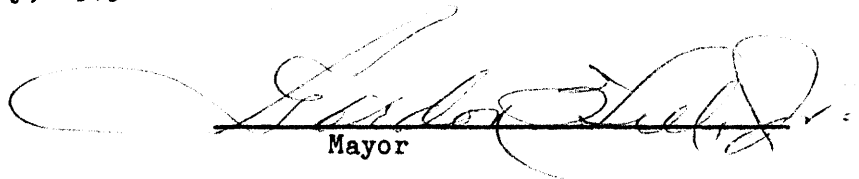
SECTION 4. Any sign erected in violation of this Ordinance shall be immediately removed by order of the Mayor and all costs for said removal shall be assessed to the offending party.

SECTION 5. Should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining part shall remain in full force and effect.

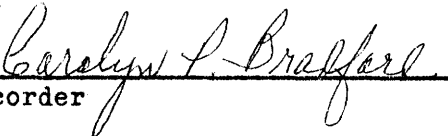
SECTION 6. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same effects this Ordinance.

SECTION 7. This Ordinance shall take effect ten (10) days from and after its passage, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on final reading on the 26th day of January, 1979.

  
Mayor

ATTEST:

  
Recorder

PASSED on 1st reading: 12/22/78

PASSED on 2nd reading: 1/26/79

ORDINANCE NO. 39

AN ORDINANCE DESIGNATING ALL MISDEMEANORS TO BE ORDINANCE VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and of the State of Tennessee as follows:

SECTION 1: All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the State law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against this municipality also. Any violation of any such law within the corporate limits of the Town of Kimball is also a violation of this ordinance.

SECTION 2: For the purpose of defining the various misdemeanors cited above all appropriate sections of the Tennessee Code Annotated are adopted herein by reference and are made ordinances of the Town of Kimball, Tennessee.

SECTION 3: Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

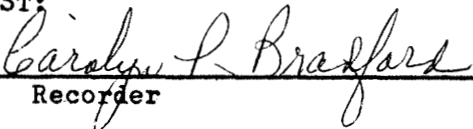
SECTION 4: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same effects this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after the final passage of same, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on final reading on the 23rd day of July, 1979.

  
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Mayor

ATTEST:

  
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Recorder

PASSED on 1st reading: 7/19/79

PASSED on 2nd reading: 7/23/79



ORDINANCE NO. 40

AN ORDINANCE AMENDING CABLE TV FRANCHISE

WHEREAS, Cardinal Cablevision, Inc. has previously been granted an exclusive franchise to provide cable television service for the Town of Kimball, and

WHEREAS, said Cardinal Cablevision, Inc. has requested permission to sell its operation to Sun Cablevision of the South, LTD., and

WHEREAS, the Town of Kimball desires to approve the aforesaid sale, and to allow Sun Cablevision of the South, LTD. to operate under the same requirements as previously set forth in the aforementioned ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF KIMBALL AS FOLLOWS:

SECTION 1: Ordinance No. 37 is hereby amended by deleting wherever they may appear the words "Cardinal Cablevision, Inc." and by substituting in lieu thereof the words "Sun Cablevision of the South, LTD.".

SECTION 2: This ordinance shall take effect upon passage, the public welfare requiring it.

PASSED ON 1st READING September 24, 1979  
PASSED ON 2nd READING October 22, 1979  
PASSED ON 3rd READING November 26, 1979

ATTEST:

Carolyn P. Bradford  
Recorder

APPROVED:

Statter H. McClain  
Mayor

DATE November 26, 1979

AN ORDINANCE TO REGULATE THE USE OF THE SEWER SYSTEM OF THE TOWN OF KIMBALL: TO ESTABLISH A SEWER BOARD: TO REQUIRE THE USE OF THE SEWER SYSTEM: TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

SECTION 1: There is hereby created a board of sewer commissioners who shall have the custody, administration, operation, maintenance and control of the Town of Kimball sewer system and all other powers related to same as are set forth in T. C. A. Sec. 6-1419.

SECTION 2: The Board of the Sewer Commissioners shall be composed of five (5) residents of the Town of Kimball, who shall be appointed by the Board of Mayor and Aldermen of the Town of Kimball, for terms of five (5) years, provided, however, that the terms shall be staggered so that one term shall expire each year. Appropriate terms of less than five (5) years shall be designated for the first Board in order to properly establish the staggered terms required herein.

SECTION 3: (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

SECTION 4: The disposal of sewage by means other than the use of the sanitary sewage system of the Town of Kimball shall be in accordance with local and state laws. Disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available.

SECTION 5: All ordinances of the City of South Pittsburg related to the usage of and connection with the sewer system of the City of South Pittsburg are hereby incorporated in this Ordinance by reference, it being understood that the usage and regulation of the Kimball sewer lines shall in all ways conform to the requirements established by the City of South Pittsburg for users of the South Pittsburg sanitary sewer system.

SECTION 6: The superintendent of the South Pittsburg Sewer Works shall have all the same rights and duties with regard to inspection and maintenance of the Kimball sewer system as are now granted him with regard to the South Pittsburg sewer system.

SECTION 7: The Board of Mayor and Aldermen shall review and approve all user fees proposed by the Board of Sewer Commissioners and shall have the right to establish a reasonable connection fee to be paid by all users of the Kimball sewer system. The initial monthly sewer use fee for Kimball sewer system users shall be computed on the basis of one hundred per cent (100%) of the monthly water bill of the respective Kimball sewer users. All future sewer rates, schedules, and connection fees shall be established by resolution of the Mayor and Board of Aldermen.

SECTION 8: (A) Any person found to be violating any provision of this Ordinance shall be served by written notice from the Town of Kimball stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Any such offenders shall, within the period of time stated in such notice, permanently cease all violation.

(B) Any person who shall continue any violation beyond the time limit provided in the aforementioned written notice shall be guilty of a violation of this Ordinance and subject to a fifty dollar (\$50.00) fine and such other injunctive relief as the City may seek.

(C) Each day that a violation occurs beyond the date specified in the written notice shall constitute a separate offense and subject the person to a separate fine.

(D) Any person violating any of the provisions of this Ordinance shall be liable to the Town of Kimball for any expense, loss, or damage occasioned the Town of Kimball by reason of such violation.


SECTION 9: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect this ordinance.

SECTION 10: This ordinance shall take effect and be in force as soon after passage and publication as permissible according to law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading this the 5th day of May, 1980.

  
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Mayor

ATTEST:

  
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City Recorder

Passed on 1st reading April 28, 1980

Passed on 2nd reading May 1, 1980

Passed on 3rd reading May 5, 1980

AN ORDINANCE LEVYING A PRIVILEGE TAX ON ALL BUSINESSES AND PROFESSIONS SUBJECT TO SAID TAX WHICH OPERATE WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL.

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball:

SECTION 1: There is hereby levied on all vocations, occupations, and businesses declared by the general laws of the State of Tennessee to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed and set forth by Chapter 58, Title 67 of the Tennessee Code Annotated.

SECTION 2: No person shall exercise any such privilege within the Town of Kimball without a currently effective privilege license, which shall be issued by the recorder to each applicant therefore upon such applicant's compliance with all regulatory provisions adopted by the Board of Mayor and Aldermen of the Town of Kimball and payment of the appropriate privilege tax.

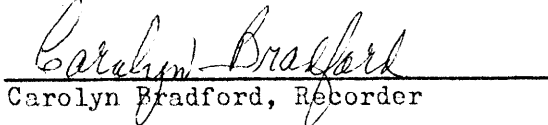
SECTION 3: Failure to pay the tax as prescribed by State law and this Ordinance incurs the maximum penalty set forth in TCA Section 67-5809.

SECTION 4: This Ordinance shall take effect on the 7th day of July, 1980, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on third and final reading on the 7th day of July, 1980.

  
Walter W. McClain, Mayor

ATTEST:

  
Carolyn Bradford, Recorder

Passed on 1st reading June 23, 1980

Passed on 2nd reading June 30, 1980

Passed on 3rd reading July 7, 1980

ORDINANCE NO. 43

AN ORDINANCE SETTING THE PROPERTY TAX  
RATE FOR THE TOWN OF KIMBALL

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, have reviewed the requirements for the fiscal year 1980-81 City budget, and

WHEREAS, the revenues now projected for fiscal year 1980-81 are not sufficient to fund the minimum necessary budget, due to a decrease in certain tax revenues.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee, that:

SECTION 1: Ordinance No. 36 is amended by deleting from Section 2 of said Ordinance the symbol and figures "0.40" and substituting in lieu thereof "0.75".

SECTION 2: The rate set forth in this Ordinance shall apply to all property as listed on the 1980 tax rolls and all subsequent tax rolls and shall be due and payable according to Ordinance No. 36, October 1, 1980, and each October 1 thereafter.

SECTION 3: This Ordinance shall take effect immediately, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading, this the 28th day of July, 1980.

  
Walter W. McClain, Mayor

ATTEST:

  
Recorder

PASSED on 1st reading July 14, 1980

PASSED on 2nd reading July 21, 1980

PASSED on 3rd reading July 28, 1980

AN ORDINANCE PROVIDING FOR MINIMUM STANDARDS FOR WATER LINES IN NEW SUBDIVISIONS

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, desire to insure the safety of the citizens of the Town of Kimball in cases of fires; and

WHEREAS, it has been determined that proper water supply cannot be maintained in cases of fires where water mains are of a diameter of less than six (6") inches.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee, that:

SECTION 1: No subdivision shall be constructed within the City limits of the Town of Kimball unless the water main providing water therein shall be of a minimum diameter of not less than six (6") inches.

SECTION 2: This Ordinance shall take effect immediately and shall apply to all subdivisions constructed hereafter, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading, this the 27th day of October, 1980.

Walter H. McClain  
Mayor, Town of Kimball

ATTEST:

Carolyn P. Bradford  
Recorder

PASSED on 1st reading August 25, 1980

PASSED on 2nd reading September 22, 1980

PASSED on 3rd reading October 27, 1980

AN ORDINANCE TO IMPLEMENT A TAX ON THE OCCUPANCY OF HOTELS AND MOTELS PURSUANT TO CHAPTER 51 OF PRIVATE ACTS OF 1981

WHEREAS, Chapter 51 of the Private Acts of 1981 authorizes the Town of Kimball, to levy a privilege tax on the occupancy of hotels and motels; and,

WHEREAS, the town of Kimball is in great need for additional revenues for the reasons set forth in the premises to the Chapter 51 and other reasons not stated therein; and,

WHEREAS, the aforementioned Private Act has been approved by the Mayor and Board of Alderman of the Town of Kimball; and,

WHEREAS, said act allows the Town of Kimball to establish a privilege tax not to exceed 5% and also to establish the person responsible for collecting said tax;

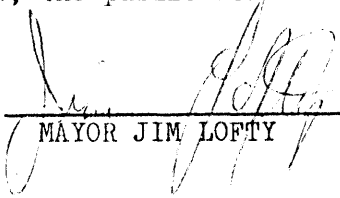
NOW, THEREFORE, Be it ordained by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

SECTION 1: In accordance with Section 2 of Chapter 51 of the Private Acts of 1981, there is hereby levied a privilege tax upon all transients residing in any hotel, a tax in the amount of 5% of the consideration charged by the operator of the hotel.

SECTION 2: The City Recorder of the Town of Kimball is charged with the duty of collecting the privilege tax levied herein in full accordance with Chapter 51 of the Private Acts of 1981 which is incorporated herein for purposes of definition of all terms and for reference to all other specific matters of collection and record-keeping.

SECTION 3: Failure to pay the taxes imposed herein by any operator shall subject said operator to the provisions of Section 7 of Chapter 51 of the Private Acts of 1981 and shall be considered a violation of the ordinances of the Town of Kimball and punishable by a fine of \$50. for each occurrence wherein the taxes imposed herein are either (1) not collected by the operator or (2) not remitted by said operator to the City Recorder of the Town of Kimball.

SECTION 4: This ordinance shall take effect upon its final passage and publication according to law, the public welfare requiring it.

  
MAYOR JIM LOFTY

Passed 1st reading on April 29, 1981  
Passed 2nd reading on May 4, 1981  
Passed 3rd and final reading May 18, 1981

ATTEST:  
  
CITY RECORDER

ORDINANCE TO ANNEX TERRITORY

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, a public hearing before this body was held on the 15th day of January, 1981, pursuant to a resolution adopted on December 29, 1980, and notice thereof published in the South Pittsburg Hustler on the 1st day of January, 1981; and,

WHEREAS, it now appears that the prosperity of this town and of the territory herein described will be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and,

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of this town as a whole; and,

WHEREAS, a plan of service for this area was adopted by resolution on December 29, 1980, as required by Section 6-51-102, Tennessee Code Annotated;

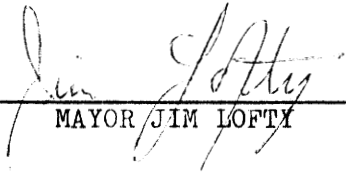
NOW, THEREFORE, Be it ordained by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

SECTION 1: Pursuant to the authority conferred by Sections 6-51-101, et, seq, Tennessee Code Annotated, there is hereby annexed to the Town of Kimball, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present northern corporate boundaries:

Beginning at the point where Raulston Branch intersects the northern corporate limits of the Town of Kimball; thence following said Raulston Branch up the mountain to the 900 foot contour line; thence in an easterly direction following the aforesaid 900 foot contour line along the side of the Cumberland Plateau to the point of intersection of the 900 foot contour line with the extension of the Glover Hill Road; thence in a southerly direction along the western edge of said Glover Hill Road down the mountain to the point where said Glover Hill Road intersects the northern corporate limits of the Town of Kimball, thence in a generally westward direction following said northern corporate limits to the point of beginning, all as shown on the map of said area which is located in the Kimball Town Hall, Kimball, Tennessee.



SECTION 2: This ordinance shall take effect thirty (30) days after final passage, the public welfare requiring it.


  
MAYOR JIM LOFTY

Passed 1st reading on March 16, 1980

Passed 2nd reading on April 20, 1981

Passed 3rd and final reading 18th day of May, 1981

ATTEST:

  
CITY RECORDER

ORDINANCE NO. 47

AN ORDINANCE TO ESTABLISH A 30-MILE-PER-HOUR SPEED ZONE

WHEREAS, Tennessee Code Annotated, Section 55-8-153, grants towns and cities the authority to prescribe lower speed limits in their respective jurisdictions; and,

WHEREAS, the congestion within the junction area of the Town of Kimball demands caution by drivers for the welfare of the citizens of Kimball; and,

WHEREAS, the Board of Mayor and Aldermen desire to limit excessive motor vehicle speeds between the city limits at Sweedens Cove through the junction to the entrance of Cumberland View Cemetary;

NOW, THEREFORE, Be it ordained by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee as follows:

SECTION 1: There is hereby established a speed zone for that section of U. S. Highway 72, beginning at the intersection of said highway with the western city limits of the Town of Kimball and continuing with said Highway 72 to the intersection of said highway with U. S. Highway 41 thence continuing in an easterly direction with U. S. Highway 41 to the entrance of Cumberland View Cemetary.

SECTION 2: The maximum allowable motor vehicle speed on the aforesaid highways lying within the aforesaid speed zone shall be 30 miles per hour. Violation of this ordinance shall subject the violator to a fine of not less than \$2 nor more than \$50 plus costs.

SECTION 3: This ordinance shall take effect upon its final passage and publication according to law, the public welfare of the Town of Kimball requiring it.


  
\_\_\_\_\_  
Mayor Jim Lofty

Passed 1st reading on July 20, 1981

Passed 2nd reading on September 22, 1981

Passed 3rd and final reading Oct. 2, 1981

ATTEST:

  
\_\_\_\_\_  
City Recorder

ORDINANCE NO 48

AN ORDINANCE ADOPTING THE BUDGET FOR THE TOWN OF KIMBALL FOR FISCAL YEAR 1981-1982

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for fiscal year 1981-82.

WHEREAS, the budget setting forth the general categories of expenditures is required by the state law.

NOW, THEREFORE, be it ordained and enacted by the Board of Mayor and Aldermen of the Town of Kimball that the following schedule of revenues and expenditures shall be adopted as the budget for the Town of Kimball for fiscal year 1981-82.

Section I:

REVENUES:

Local sales tax	\$18,700.00
Local beer tax	17,500.00
Hotel Motel Tax	30,000.00
Property tax	15,900.00
Gross receipt taxes	2,500.00
Building Permits	500.00
Rental property	3,500.00
State of Tenn. sales tax	24,450.00
State of Tenn. beer tax	500.00
State of Tenn. street and transportation funds	6,000.00
State Income tax	50.00
TVA replacement income	1,000.00
Federal Revenue Sharing	11,500.00
Interest	2,000.00
Court Fines	10,000.00
Miscellaneous	<u>18,000.00</u>
	\$147,100.00

EXPENDITURES:

General Government	
Salaries	9,900.00
Insurance (General and Group)	10,800.00
Utilities & Phone	7,800.00
Tools & Materials	625.00
Maintenance	4,200.00
Gasoline	10,500.00
Landfill	4,150.00
Advertisement & Office Expense	2,300.00
Election Expense	1,900.00
Payroll taxes	7,750.00
Legal & Accounting	2,300.00
Miscellaneous	<u>3,000.00</u>
	\$65,225.00

## POLICE DEPARTMENT

Vehicle Maintenance		\$ 2,000.00
Salaries		50,000.00
Clothing		550.00
Capital Exp. (Police Car)		8,475.00
		<u>\$65,225.00</u>

## FIRE DEPARTMENT

Supplies		\$ 2,700.00
Vehicle Maint.		200.00
		<u>\$ 2,900.00</u>

## SANITATION

Vehicle Maint.		\$ 600.00
Salaries		16,850.00
		<u>\$17,450.00</u>

TOTAL EXPENDITURES		\$147,100.00
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STATE STREET AID FUND

Revenue		
State gas tax	\$14,800.00	\$ 14,800.00
Expenditures		
Road materials & repairs		5,000.00
Salaries		3,900.00
Utilities		5,900.00
		<u>14,800.00</u>

FEDERAL REVENUE SHARING FUND

Revenue		
Revenue sharing	\$11,500.00	\$ 11,500.00
Expenditures		
Transfers to General Fund		\$ 11,500.00

SECTION 2: That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: That this ordinance shall take effect and be in force from and after July 1, 1981, the public welfare of the Town of Kimball requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading this the 2nd. day of October, 1981

PASSED on 1st reading Sept. 4, 1981

PASSED on 2nd. reading Sept. 22, 1981

PASSED on 3rd. and  
final reading and  
adopted Oct. 2, 1981

ATTEST:

Mary E. Owen  
Recorder

APPROVED:

Jim J. Atty

DATE October 2, 1981

ORDINANCE NO. 49

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, a public hearing before this Body was held on the 7th day of January, 1982, pursuant to a Resolution adopted on the 21st. day of December, 1981, and Notice thereof published in the South Pittsburg Hustler and Jasper Journal on December 31, 1981, and

WHEREAS, it now appears that the prosperity of this Town and of the territory herein described will be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed, and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof, and of this Town as a whole, and

WHEREAS, a plan of service for this area was adopted by Resolution on December 21, 1981, as required by Section 6-51-102 of Tennessee Code Annotated.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee.

SECTION 1: Pursuant to the authority conferred by Tennessee Code Annotated Section 6-51-101, et seq., there is hereby annexed to the Town of Kimball, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory, adjoining the present corporate boundaries:

Beginning at the point where the western right of way of interstate highway 1-24 intersects with the current western boundary line of the Town of Kimball thence in a northwestwardly direction following the western boundary line of the aforesaid 1-24 to the point where said right of way intersects with that county road commonly known as the Fish Trap Road thence following the southern right of way of the Fish Trap Road in a generally easterly direction to the point where said road intersects with U. S. Highway #41 thence from said intersection due east to the 900 foot elevation of the Cumberland Plateau as same is shown on the South Pittsburg, Tennessee, quadrangle of the U. S. Geological Survey Map of said area thence following the 900 foot elevation contour to the point where same intersects with the Raulston Branch thence down the Raulston Branch following the current western boundary line of the Town of Kimball to the point of beginning of the lands described herein.

SECTION 2: This ordinance shall be effective from and after thirty (30) days of its passage, the public welfare requiring it.

Passed on final reading as City Ordinance No. 49 on 2-15-1982.

First Reading 1-18-82  
Second Reading 1-28-82  
Third Reading 2-15-82

Attest:

Mary Owen  
City Recorder

Jim [Signature]  
Mayor

See page from June 15, 1984 minutes. Page 91

Mayor Lofty made a motion to reinstate the Fireman Suppers. Alderman Davis second the motion. Atty. Condra explained the resolution and ordinance #54 on a 1 Mayor, 4 Alderman Board. Mayor Lofty made a motion for the 1 Mayor, 4 Alderman Board to pass. Alderman Davis second the motion.

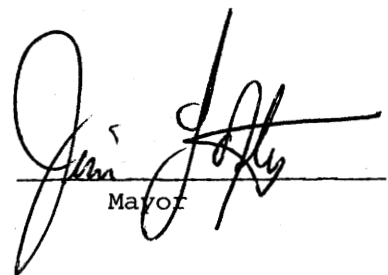
Mayor Lofty stated he has written a letter to Senator Lewis requesting Kimball's name be placed on the 152 mile marker sign on Interstate 24.

Alderman Davis asked about loaning the City's tools and equipment. Mayor Lofty said the tools and equipment were only to be used on the City grounds.

Attorney Condra gave the report Young verses Kimball. Kimball lost the case.

Alderman Holder gave the police report. There were 15 arrests with a sum of \$264.00 collected. \$232.50 in police fines, \$31.50 for litigation taxes, plus \$9.00 in misc. funds.

Mayor made a motion to adjourn. Alderman Davis second the motion.

  
Mayor

  
City Recorder

AN ORDINANCE TO AMEND ORDINANCE NO. 41, SECTION 7 OF THE TOWN OF KIMBALL PERTAINING TO SEWER USE AND RATES AND METHOD OF AMENDMENT.

WHEREAS, the Mayor and Aldermen of the Town of Kimball did, on the 5th day of May, 1980 on final reading, enact Ordinance 41 relating to a sewer system for the Town of Kimball, to which reference is hereby specifically made for the terms thereof: and

WHEREAS, by the provision of Section 7 of Ordinance 41 the Mayor and Board of Aldermen are authorized to regulate sewer rates, schedules and connection fees, and

WHEREAS, in order to meet the obligations imposed by the laws of the State of Tennessee and the covenants and conditions of the Sewer Revenue and TAX Bond, Series 1979, it is necessary to adjust the sewer rates.

IT IS, THEREFORE, ENACTED OR ORDAINED by the Mayor and Aldermen of the Town of Kimball that Section 7 of Ordinance 41 of the Town of Kimball be amended by deleting therefrom the following:

The initial monthly sewer and use fee for Kimball sewer system users shall be computed on the basis of one hundred (100 percent) of the monthly water bill of the respective Kimball sewer users.

And that the following should be substituted in lieu thereof:

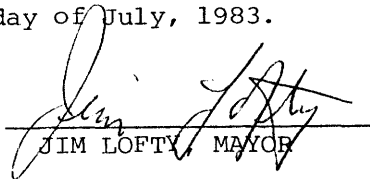
The users of the Kimball Sewer System shall be billed on a monthly basis for use of the sewer system through the South Pittsburg Water System and shall be charged for the use of said sewer system on the following basis.

CONSUMPTION	RATE
0-3,000 gallons	\$50.00 (minimum bill)
3,000 - 18,000	1.00 per thousand gallons
18,001 - 48,000	2.40 per thousand gallons
48,001 - 98,000	2.15 per thousand gallons
98,001 - and above	2.00 per thousand gallons

Be it further enacted and ordained that the last sentence of section 7 of Ordinance 41 of the Town of Kimball is amended by deleting therefrom the word "resolution" and substituting in lieu thereof the word "ordinance."

This ordinance shall take effect and be in full force from and after its enactment and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading this the 26 th day of July, 1983.

  
 \_\_\_\_\_  
 JIM LOFTY, MAYOR

Attest:  
Mary E. Owen, City Recorder

Passed on first reading 7-22-83  
Passed on second reading 7-25-83  
Passed on third reading 7-26-83



AN ORDINANCE TO ESTABLISH A GARBAGE COLLECTION FEE, TO PROVIDE FOR THE METHOD OF BILLING: AND PROVIDE FOR SERVICE TERMINATION.

WHEREAS, The Town of Kimball has heretofore provided garbage pick-up services to the residents of the Town of Kimball without charge therefore; and

WHEREAS, the safety, health and welfare of the citizens of the Town of Kimball require the continuation of the garbage pickup service; and

whereas, garbage collection services cannot continue without additional revenue to the Town of Kimball.

IT IS, THEREFORE, ENACTED AND ORDAINED BY THE MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL:


SECTION I, There is hereby established and imposed a garbage collection fee of three (\$3.00) dollars per month for the users of the service within the Town.

SECTION II, The City Recorder or designee shall prepare at the beginning of each quarter a statement showing the total fee of Nine (\$9.00) dollars due for the Upcoming quarter and shall mail or cause the same to be delivered to each user within ten (10) days after the quarter begins.


SECTION III, Any person, user or household failing to pay the fee hereby established when and as the same become due, which failure continues for a period of ten (10) days from and after notice as provided in SECTION II, shall have the service discontinued as to such person, user or household and shall not have the same restored until all past due fees have been paid in full.

This ordinance shall take effect and be in full force from and after its enactment and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading this the 17th day of October, 1983.

  
MAYOR

ATTEST:

  
RECORDER

Passed 1st reading: Sept. 19, 1983  
Passed 2nd reading: Sept. 26, 1983  
Passed 3rd. reading: Oct. 17, 1983

AN ORDINANCE TO ESTABLISH A 30 MILE SPEED LIMIT FOR A PORTION OF U.S. HIGHWAY 41 THROUGH THE TOWN OF KIMBALL, TO PROVIDE FOR ITS ENFORCEMENT: AND PENALTIES FOR VIOLATION.

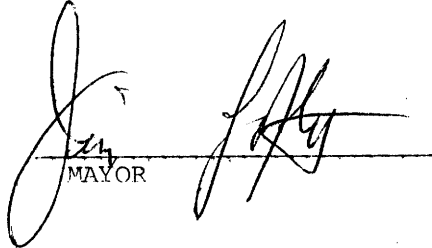
BE IT ORDAINED AND ENACTED by the Mayor and Aldermen of Kimball, Tenn. as follows:

1. There is hereby established a speed limit of 30 miles per hour on that portion of old U. S. Highway 41 beginning on the northwesterly side of the Town of Kimball on old U. S. Highway 41 at the base of a hill popularly known as Lofty's Hill and throughout the area generally eastwardly therefrom to a point at the crest of Cemetary Hill where the present 30 mile speed limit is located.

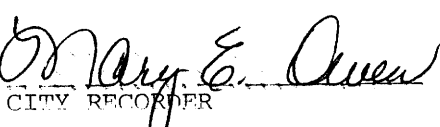
2. Signs notifying motorist of said speed limit shall be erected at the base of Lofty's Hill on the west side of old U. S. Highway 41 facing traffic approaching and traveling in a generally eastwardly direction and on the northerly side of old U. S. Highway 41 at the crest of Cemetary Hill. The signs so erected shall comply in all respects with the requirements of the Tennessee Department of Transportation concerning location and size of signs on public thoroughfares.

3. Each violation of this Ordinance shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and upon conviction the information required to be given for a moving violation shall be forwarded to the Department of Safety, State of Tennessee, as provided by law.

This Ordinance shall become effective immediately upon its enactment and publication as required by law, the public welfare requiring it.

  
MAYOR

ATTEST.

  
CITY RECORDER

PASSED ON FIRST READING: Feb. 20, 1984

PASSED ON SECOND READING: March 23, 1984

PASSED ON THIRD READING: April 20, 1984

AN ORDINANCE TO REGULATE ANIMALS RUNNING AT LARGE: TO REQUIRE THE ERECTION OF ENCLOSURES: AND TO PROVIDE FOR PENALTIES UPON VIOLATION:

BE IT ORDAINED AND ENACTED by the Mayor and Aldermen of the Town of Kimball as follows:

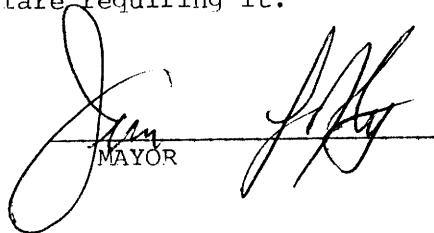
1. It is hereby declared to be a violation of the laws and the ordinances of the Town of Kimball for any person, business, corporation, proprietorship, or other business or personal entity, to permit the running at large of any domestic animal, including by way of illustration and not limitation, chickens, ducks, geese, cows, horses, pigs, goats and animals of like kind within the corporate limits of the Town of Kimball.

2. Each owner as hereinabove set forth in Section 1 shall be required to provide adequate enclosures or restraints on such animals sufficient to prevent the same from escaping from, leaving, or moving off the premises of the owner.

3. Each person charged with violation of this ordinance shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each such violation.

4. For the purpose of this ordinance, each day that a violation of this ordinance continues shall be deemed a separate violation for the purpose of imposition of punishment therefor.

This ordinance shall take effect from and after its enactment and publication as required by law, the public welfare requiring it.

  
MAYOR

ATTEST:

  
CITY RECORDER

PASSED ON FIRST READING : Feb. 20, 1984

:  
PASSED ON SECOND READING: March 23, 1984

PASSED ON THIRD READING: April 20, 1984

AN ORDINANCE PURUSANT TO T.C.A. 6-1-401 TO INCREASE THE NUMBER OF ALDERMEN FROM TWO TO FOUR: TO PROVIDE FOR THEIR ELECTION: AND TO SET THE TERMS OF OFFICE.

Be it enacted and ordained by the Mayor and Aldermen of The Town of Kimball as follows:

A. Pursuant to the provisions of T.C.A. 6-1-401 the number of Aldermen for the Town of Kimball is hereby increased from the present number of two (2) to four (4) aldermen. Each person presently holding the position of Aldermen in the Town of Kimball shall complete the term of Office to which each person has been heretofore elected.

B. At the next municipal election four (4) Aldermen shall be elected. Subject to voter approval, two (2) shall be elected for a term of two (2) years and two (2) shall be elected for a term of four (4) years; thereafter, Aldermen shall be elected for four (4) year terms. The term of office of the Mayor shall be the same four (4) years as it is for aldermen, such four (4) year term to commence at the next election for Mayor. Provided, however, each incumbent Aldermen shall, in the event such incumbent fails to seek re-election to the position, complete the term for which previously elected. The Alderman-Elect for two (2) year terms as hereinabove set forth shall not assume office until the expiration of the term of the incumbent Alderman.

For the purpose of increasing the number of Aldermen, this ordinance shall take effect from and after its final passage and publication as required by law. For the purpose of establishing the staggered terms of Aldermen, it shall be effective upon approval by the voters.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY RECORDER

Passed on first reading 6-15-84  
Passed on second reading 7-2-84  
Passed on third reading 7-20-84

AN ORDINANCE TO ESTABLISH FEES FOR CONNECTION TO PUBLIC SEWER SYSTEM AND ANY EXTENSIONS, ALTERATIONS OR IMPROVEMENTS THERETO; TO PROVIDE FOR USE OF SUCH FEES: AND TO ESTABLISH PUNISHMENT FOR VIOLATION HEREOF.

BE IT ENACTED AND ORDAINED by the Mayor and Alderman of the Town of Kimball:

1. There is hereby established a connector or tap in charge of One Thousand (\$1,000.00) Dollars for any and all commercial businesses discharging sewage as the same is defined by the State of Tennessee. Said connector or tap-in fee shall be paid in full to the Town of Kimball before any such commercial user shall be permitted to connect to and discharge sewage into the public sewer system in the Town of Kimball.
2. There is hereby established a connector or tap in fee of One Hundred [100.00] Dollars for single family residences to be paid before any such user shall be permitted to discharge sewage into the public sewer system located in the Town of Kimball.
3. Multi-family dwellings or apartments shall pay a connector fee equivalent to the fee paid by single family dwellings for each unit contained within the multi-family dwelling; provided, in no event shall the connector or tap-in fee for such multi-family units exceed One Thousand (\$1,000.00) Dollars.
4. All connector or tap-in fees paid to the Town of Kimball pursuant to this Ordinance shall be used and applied toward the cost of any extension, modification or maintenance of the public sewer system.

5. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished according to law.

This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare demanding it.

Nancy J. Stephens  
City Recorder

First Reading: 2-26-85

Second Reading: 3<sup>rd</sup> 26-85

Third Reading 4-23-85

Jim Kelly  
MAYOR

AN ORDINANCE DESIGNATING THE MARION COUNTY REGIONAL PLANNING COMMISSION  
AS THE PLANNING COMMISSION OF THE TOWN OF KIMBALL

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, are concerned about orderly development of new subdivisions within the corporate limits; and

WHEREAS, there is currently no mechanism to ensure that subdivisions are constructed to any specific standards; and

WHEREAS, the Marion County Regional Planning Commission has subdivision regulations in effect that require, among other things, that roads be constructed to certain standards or that an adequate bond be posted to ensure their completion; and

WHEREAS, T.C.A 13-3-301 empowers a municipality to designate the regional planning commission of its region as the planning commission of the municipality.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and of Aldermen of the Town of Kimball of Marion County, Tennessee, that:

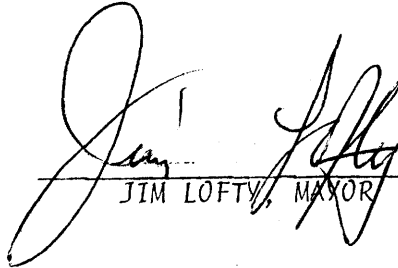
SECTION 1: The Town of Kimball hereby designates the Marion County Regional Planning Commission to be the planning commission of the municipality until such time as this ordinance is repealed, amended, or otherwise modified.

SECTION 2: The Marion County Regional Planning Commission shall have planning jurisdiction for the Town of Kimball within its municipal boundaries.


SECTION 3: This Ordinance shall take effect from and after its adoption and publication as required by law and shall apply to all subdivisions hereafter proposed, the public welfare requiring it.

ORDINANCE NO. 56

PASSED AND APPROVED by the Board of Mayor and Aldermen of the  
Town of Kimball, Tennessee, on final reading this  
30th day of October, 1986.

  
\_\_\_\_\_  
JIM LOFTY, MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY RECORDER

Approved on First Reading	<u>9-23-86</u>
Approved on Second Reading	<u>10-28-86</u>
Approved on Third Reading	<u>10-30-86</u>



AN ORDINANCE PROHIBITING LOITERING AND CRUISING IN CERTAIN AREAS  
OPEN TO THE PUBLIC

WHEREAS, the practice of congregating and cruising in the parking areas of certain businesses has resulted in numerous complaints from both residents and visitors to the Town of Kimball, and

WHEREAS, the above practices have resulted in criminal conduct, including destruction of property and personal injury, and

WHEREAS, said practices are therefore deemed harmful to the public health and welfare of the citizens of the Town of Kimball, and

WHEREAS, the existing ordinances of the Town of Kimball do not specifically prohibit or protect against the above practices.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, that

Section One: The owners and operators of shopping centers or any other business having public parking areas are hereby authorized to post signs on and about the parking areas and private roadways on their properties giving notice that cruising and/or loitering on the property is prohibited.

Section Two: The term "cruising" as used in this ordinance is defined as the continual, repeated, and aimless operation of a motor vehicle, through, over, around or within the parking areas and private roadways of any business or shopping center without parking the motor vehicle to enter the business or shopping center served by such parking areas and/or private roadway.

Section Three: Cruising, as hereinabove defined, and loitering, as hereinafter defined, are prohibited between the hours of 8:00 P.M. and 8:00 A.M. And, provided further, such conduct is prohibited during normal

business hours when the conduct interferes with, impedes or prevents bona fide customers from being able to enter and exit any business or shopping center.

Section Four: The term "loitering" shall be defined as parking and congregating around a vehicle or vehicles in the aforesaid prohibited areas for the purpose of hanging out, partying, drinking or socializing.

Section Five: Violation of the provisions of this ordinance shall be deemed a trespass and upon conviction, the violator(s) shall be fined not less than Twenty-Five [25.00] Dollars nor more than Fifty [50.00] Dollars and court costs. The Court may, in its discretion, impose, in addition to fine and costs, a sentence of not more than two [2] days of public or community service with said service to be performed on two [2] consecutive Saturdays or at such other times as the Court may direct.

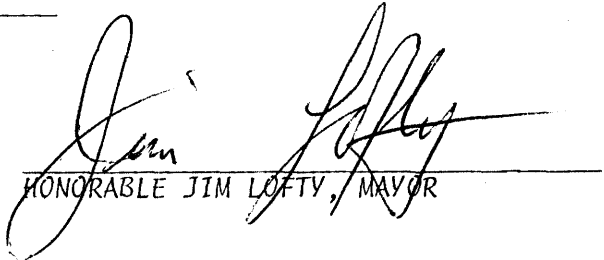
Section Six: This ordinance shall take effect from and after its final passage, and publication, the public welfare requiring it.

Passed on First Reading 11-25-86

Passed on Second Reading 12-16-86

Passed on Third Reading 2-03-87

Nancy J. Stephens  
City Recorder

  
HONORABLE JIM LOFTY, MAYOR

ORDINANCE NO. 58

AN ORDINANCE to prevent flood damage; to require development permits; to regulate construction in special flood hazard areas; to establish permit procedures; to establish variance procedures; to establish specific standards; and to provide penalties for violations hereof.

WHEREAS, the legislature of the State of Tennessee has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens. Therefore, the Mayor and Aldermen of the Town of Kimball, State of Tennessee, does hereby ordain as follows:

ARTICLE 1.

SECTION 1. FINDINGS OF FACT.

(1) The flood hazard areas of the Town of Kimball are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect or obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION 2. STATEMENT OF PURPOSE.

Is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public private losses due to flood conditions in specific areas by provisions designed to:

(1) *restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;*

(2) *require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*

(3) *control the alternation of natural floodplains, stream channels, and natural protective barriers which are involved in the accomodation of flood waters;*

(4) *control filling, grading, dredging and other development which may increased erosion or flood damage, and;*

(5) *prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.*

### SECTION 3. OBJECTIVES.

*The objectives of this ordinance are:*

(1) *to protect human life and health;*

(2) *to minimize expenditure or public money for costly flood control projects;*

(3) *to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*

(4) *to minimize prolonged business interruptions;*

(5) *to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;*

[6] to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

[7] to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS.

The words and phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The words defined in Appendix 1 attached hereto and incorporated by reference shall be given the meaning assigned thereto.

ARTICLE 3. GENERAL PROVISIONS.

SECTION 1. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Kimball.

SECTION 2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Community No. 470116, Panel Nos. 1 & 2, dated May 19, 1987, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

SECTION 3. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION 4. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms ~~Page 10~~ of this ordinance and other applicable regulations.

SECTION 5. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 6. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 7. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Kimball or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 8. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 10

days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Kimball from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION 1. ADMINISTRATOR DESIGNATION OF Building Inspector.

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

SECTION 2. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Building Inspector on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the locations of the foregoing. Specifically, the following information is required:

(1) Application Stage.

(a) Elevation in relation to mean sea level of the proposed lowest floor [including basement] of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section 2 (1);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION 3. DUTIES AND RESPONSIBILITIES OF THE Building Inspector.

Duties of the Building Inspector shall include, but not limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(2) Advise permittee that additional federal or state permits



- may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the Marion County Planning Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (4) Assure that maintenance is provided within the altered or re-located portion of said watercourse so that the flood-carrying capacity is not diminished.
  - (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section 2 (2).
  - (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section 2(2).
  - (7) When flood-proofing is utilized for a particular structure, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section 2 (2).
  - (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section 2, then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection.

SECTION 4. VARIANCE PROCEDURES.

- (1) The Marion County Planning Commission is hereby designated to hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Marion County Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.
- (3) Any person aggrieved by the Marion County Planning Commission may seek review of such decision by appropriate action filed in the 12th Judicial District of Tennessee, Chancery Division, Marion County. The scope of review by said Court shall be limited to a determination of whether there was any material evidence to support the decision of the Marion County Planning Commission.
- (4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places

without regard to the procedures set forth in the remainder of this section, except for Article 4, Section 4, (8) (a) and (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

- (5) In passing upon such applications, the Marion County Planning shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;
- (a) the danger that materials may be swept onto other lands to the injury of others;
  - (b) the danger to life and property due to flooding or erosion damage;
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) the importance of the services provided by the proposed facility to the community;
  - (e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) the compatibility of the proposed use with existing and anticipated development;
  - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

- (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (6) Upon consideration of the factors listed above, and the ordinance, the Marion County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for Variances:
- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
  - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the

public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the differences between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION 1. GENERAL STANDARDS.

In all areas of special flood hazard, the following provisions are required:

- [1] New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- [2] Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- [3] New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- [4] New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- [5] Electrical, heating, ventilation, plumbing, air conditioning equipment, and other services facilities shall be designed and/or located so as to prevent water from entering or accumulating within the

components during conditions of flooding;

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site disposal systems shall be located and construed to avoid impairment to them or contamination from them during flooding, and;
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION 2. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood evaluation data has been provided, as set forth in Article 3, Section 2, or Article 4, Section 3

(9), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than (1 foot) above the base flood elevation. Should solid foundation perimeter walls to be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section 2, (3).
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than (1 foot) above the level of the base flood

elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with wall substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydro-dynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section 2 (3).

(3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and,
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.

(b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

- (c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) Floodways. Located within areas of special flood hazard established in Article 3, Section 2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
- (b) If Article 5, Section 2 (4) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section 1 (2), and the elevation standards of Article 5, Section 2 (1) are met.



SECTION 3. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

Adopted on Friday, May 8, 1987.

BY:

[Signature]  
Mayor

[Signature]  
Bice Mayor

[Signature]  
Nancy Pape 1st  
Alderman

[Signature]  
Gene N. [Signature]  
Alderman

[Signature]  
Alderman

(Signatures of Governing Body)  
Alderman

Certified by: Nancy J. Stephens  
City Recorder

Date: May 8, 1987

## (DEFINITIONS-APPENDIX 1)

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Marion Co. Planning Commission's <sup>local unit</sup> interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, ~~grading~~, <sup>grading</sup>, filling, grading, paving, excavating, drilling operations, or permanent storage

## (DEFINITIONS-APPENDIX 1)

of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pillings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used <sup>Page 120</sup> of its

## (DEFINITIONS-APPENDIX 1)

intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"National Geodetic Vertical Datum [NGVD]" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348), <sup>Page 124</sup> includes substantial improvement, and means the date the building permit was issued, pro-

## (DEFINITIONS-APPENDIX 1)

vided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure) (a \_\_\_\_\_ ( ) year period), in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be 1) the appraised value of the structure prior to the start of the initial repair or improvement, or 2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement

(DEFINITIONS-APPENDIX 1)

of a structure required to comply with the existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Variance" is a grant of relief from the requirements of this Ordinance which permits in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Jan [Signature], Mayor

Nancy J. Stephens  
City Recorder

An Ordinance to regulate construction, erection, placement and maintenance of signs and outdoor displays and advertising; to establish procedures for permitting signs and outdoor displays and advertising; to establish fees; and to provide punishment for violations thereof.

Be it ordained and enacted by the Mayor and Aldermen of the Town of Kimball as follows:

1. Declaration of Public Need: The Town of Kimball has experienced a rapid growth in commercial activity within its corporate limits in the past ten (10) years. Such commercial activity is welcomed by the people of the Town of Kimball and its leaders. As with any growth, however, regulation of activity is necessary for the public health, safety and welfare. The leaders of the Town of Kimball have determined and hereby declare that it is necessary that signs and outdoor advertising be regulated and controlled to prevent injury to the public health, safety and welfare.

2. Statement of Objectives: The Mayor and Aldermen declare that it is their objective to regulate construction, erection, placement, and maintenance of signs and outdoor advertising in such a manner as to minimize the impact on persons engaged in commercial activities and to prevent harm to such commercial activities from overly restrictive regulations. At the same time, the absence of regulations has led to unfettered blossoming of signs and outdoor displays which have damaged the aesthetic beauty of the Town of Kimball, and created an environment potentially harmful to property values in the Town of Kimball, thereby representing a threat to a primary source of revenue for the Town. The leaders, therefore, deem it in the public interest to regulate such activity to prevent diminution of property values which serve as a source of revenue and to create an environment conducive to further growth.

3. Signs Permitted:

(A) Signs which identify the business on the premises, located not closer than one-half the distance between the front wall of the business and the front property line.

(B) Signs erected and overhanging any sidewalk, pedestrian way, or path placed at least nine (9) feet above the sidewalk, pedestrian way, or paths, and extending over the sidewalk, pedestrian way or path a distance equal to two-thirds the width of the sidewalk, pedestrian way or path, but in no event exceeding ten (10) feet.

(C) Entrance and exit signs for parking areas not exceeding nine (9) square feet in area and there shall be only one (1) sign, not exceeding sixteen (16) square feet in area, identifying or designating the conditions of the use of such parking area.

(D) Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.

(E) During construction of a building for which a building permit has been issued, one (1) sign not exceeding thirty-two (32) square feet in area and identifying the contractors, engineers/architects and federal, state, or local agency, if any, involved, which signs shall be removed immediately upon completion of the construction.

(F) Signs established by any governmental agency or posted pursuant to a lawful Court order.

(G) Any temporary signs displayed for any candidate in a state, federal, or local election, provided that such sign or display is removed within ten (10) days following either a primary, special or general election. Provided, however, successful candidates in a primary election shall be permitted to maintain signs until ten (10) days following the last election for which the



ORDINANCE NO. 59

candidate is still campaigning. And, provided, further, the fees hereinafter set forth shall not be collected in the case of qualified candidates for public office.

(H) Any sign advertising a public or charitable event for which no admission fee or charge is required. Provided, said sign(s) shall be removed within twenty-four (24) hours of the end of the event.

(I) Any illuminated sign so long as said illuminated sign is elevated a distance of at least forty (40) feet above the elevation of the finished ground level floor of the primary structure located on the property.

4. Signs Prohibited.

(A) Signs erected or maintained where, by reason of its position, wording, illumination, size, shape, or color, it obstructs, impairs, obscures, interferes with the view of, or is confused with, any authorized traffic control sign, signal, direction indicator, device, highway designation, or traffic flow.

(B) Building walls or roofs used for display of advertising; but not including signs identifying the business by name.

(C) Temporary signs erected or otherwise affixed to any pole, tree, stone, fence or any object within the right-of-way of any street.

(D) Temporary signs suspended across public streets or other public places except those receiving prior approval of the Mayor and Board of Aldermen of the Town of Kimball.

(E) Flashing and intermittent illumination.

(F) Billboards and any other outdoor advertising structures. Provided, however, portable or movable temporary illuminated signs set no closer than one-half the distance between the front wall and the front property line abutting or contiguous to any public street, road, highway, or right-of-way may be permitted.

5. Permit Procedure:

(A) Before any person shall erect, construct, maintain or place any sign permitted by this Ordinance to be constructed, erected, placed or maintained, such person shall submit an application for a permit to the City Recorder not later than ten (10) days prior to the regularly scheduled monthly meeting of the Mayor and Aldermen of the Town of Kimball. Such application for permit shall contain the following minimum information and such other additional information as may, by resolution, be required by the Mayor and Aldermen:

(1) Location of property;

(2) Name and address of all persons owning or claiming an interests in said property;

(3) Popular name or posted names of any abutting streets, roads, highways or lanes;

(4) Sketch of property showing demensions of tract and approximate location of the sign(s);

(5) The exact dimensions of the sign or display;

(6) The materials to be used in the construction, erection, maintenance or repair;

(7) The name, address and telephone number of the applicant or applicant's agent;

(8) Estimated construction costs, including costs of installation; and

(9) Any other information applicant deems appropriate in support of the application.

B. (1) All applications timely submitted shall be placed on the agenda for presentation to the Mayor and Board of Aldermen at its next regularly scheduled monthly meeting for such action as may be justified, including,

ORDINANCE NO. 59

but not limited to, approval, denial, modification, amendment, alteration, deferral or withdrawal of any application.

(2) The applicant shall be present, either in person or by duly authorized agent or representative, when the application for permit is placed on the agenda. Failure, without just cause, or refusal of the applicant to appear shall result in an automatic rejection of the application. Just cause for failure to appear may include, but not be limited to, illness of applicant, death in applicant's immediate family, unavoidable scheduling conflicts, and like matters.

(3) Should the Mayor and Board of Aldermen determine that a modification, amendment or alteration is necessary to effectuate the overall objective of this ordinance and the applicant, in person or by applicant's agent or representative, is present and consents to such modification, amendment or alteration, and agrees to erect, construct, maintain or repair the sign(s) or outdoor display(s) or advertisement(s) in compliance with any such requirement, the Board and Mayor may, but shall not be required to, approve such application.

(4) If the application, as submitted, is acceptable without change, the Mayor and Board of Aldermen may approve the application and authorize the issuance of a permit upon payment of the fee(s) hereinafter set forth. Provided, however, nothing herein contained and set forth shall be construed as requiring an approval of an application, such decision resting solely within the sound discretion of the governing body of the Town of Kimball.

(5) Any person aggrieved by an action by the governing body taken pursuant to this Ordinance may seek a review of such action by the filing of a complaint in the 12th Judicial District of Tennessee, Chancery Division of Marion County. The standard for review shall be whether there is any material evidence to support the decision by the Mayor and Board of Aldermen.

6. Fees:

A. Upon approval of the application for permit by the Mayor and Aldermen as hereinabove set forth, the City Recorder shall collect from the Applicant at the time of issuance a one time fee calculated by multiplying the total square feet by the sum of .05 cents, and the number so derived times 12 (Sq. ft. x .05 x 12).

7. Penalty for Violation:

A. The construction, erection, maintenance, placement, repair, or alteration of any sign, outdoor display or advertisement without compliance with the requirements of this Ordinance shall subject the violator to a fine of %50 and costs. For the purpose of this Ordinance, each day a violation exists shall be deemed a separate offense.

B. Any person charged with a violation of this Ordinance shall be cited to appear before the City Court for the Town of Kimball to make defense to said citation. Sould the accused be found guilty of a violation or violations of this Ordinance, the City Judge shall impose the fine herein set forth in this Ordinance, it being the express intent of the Mayor and Board of Aldermen that the fine cannot be waived, reduced or in any manner forgiven.

C. In addition to the fine and costs which shall be assessed upon a finding of guilty, the Court is further empowered to direct the removable of the sign, outdoor display or advertising, said removable to be effectuated not later than ten (10) days from the date of hearing. Failure of a violator to comply with any such order shall be subject to punishment for contempt as with any other Court order.

8. Construction: For the purpose of construction of this Ordinance, the parts hereof shall be deemed severable. Sould any section or part of this Ordinance be declared invalid, the remaining sections shall be deemed

ORDINANCE NO. 59

continued in full force and effect.

9. Application: This Ordinance shall not be construed to apply to any existing signs, outdoor displays, or advertising. Provided, however, this Ordinance shall apply when existing uses are discontinued, modified, altered, or replaced hereafter.

10. Effect: This Ordinance shall be deemed to supercede and override the provisions of any Ordinance, practice or procedure heretofore employed, used or followed concerning the subject matter of this Ordinance.

This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare demanding it.

*Nancy J. Stephens*  
City Recorder

*Jim Lofty*  
JIM LOFTY, MAYOR

PASSED:

First Reading: May 11, 1987

Second Reading: May 15, 1987

Third Reading: May 18, 1987

ORDINANCE NO. 60

An Ordinance to amend Ordinance Number 59 by deleting Section 3(A) and Section 3(1) and substituting in lieu thereof new Section 3(A) and 3(1).

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball have heretofore enacted Ordinance Number 59 to regulate construction, erection, placement and maintenance of signs and outdoor displays and advertising; and

WHEREAS, it appears that certain sections do not advance or are not necessary to protect the public welfare.

NOW, THEREFORE,

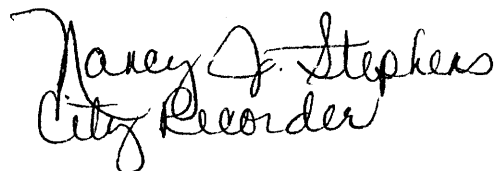
BE IT ORDAINED and enacted by the Mayor and Aldermen of the Town of Kimball that Ordinance Number 59 be and hereby is amended by the deleting therefrom Sections 3(A) and 3(1) and inserting in lieu thereof the following:

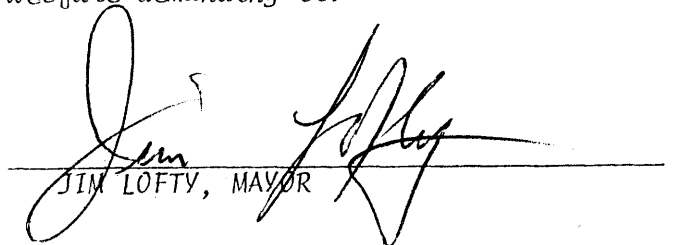
3. Signs Permitted:

(A) Signs which identify the business on the premises; located not closer than twenty-five (25) feet from the closest edge any public right-of-way.

(1) Any illuminated sign so long as the bottom of the sign area (that area within the rectangle defined by the lines which include the outer extremities of all letters, etc. on any sign structure) is elevated a distance of at least twenty (20) feet above the nearest public right-of-way.

This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare demanding it.

  
Nancy J. Stephens  
City Recorder

  
JIM LOFTY, MAYOR

Passed on First Reading: July 28, 1987

Passed on Second Reading: Aug. 25, 1987

Passed on Third Reading: Sept. 22, 1987

**KIMBALL**

**ZONING**

**ORDINANCE**

Prepared by the  
MARION COUNTY OFFICE OF PLANNING & DEVELOPMENT  
203 Third Street  
South Pittsburg, TN 37380

for the  
Kimball Board of Mayor and Aldermen

Adopted August, 1988

SECTION	
1.010	AUTHORITY
1.020	TITLE
1.030	PURPOSE
1.040	ENACTMENT

## Chapter 1

### INTRODUCTION

#### 1.010 AUTHORITY FROM STATE ENABLING LEGISLATION

An ordinance, in pursuance of the authority granted in Sections 13-7-201 through 13-7-401, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of Kimball, Tennessee; to regulate within such districts the location, height, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts, and other open spaces; the density and distribution of population; and the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

#### 1.020 TITLE

This ordinance shall be known as The Zoning Ordinance of Kimball, Tennessee, dated 1988. The zoning map shall be referred to as the Zoning Map of Kimball, Tennessee, and all explanatory matter thereon are hereby adopted and made a part of this ordinance, subject to amendment as provided for in Section 6.090 of this ordinance.

#### 1.030 PURPOSE

The zoning regulations and districts contained in this ordinance have been carefully prepared and defined in accordance with a comprehensive plan for the following purposes:

- to protect the public health by providing through setback requirements and other means of adequate light and air between buildings and through density standards the avoidance of extreme concentrations of population.
- to provide safety by lessening: 1) congestion in the streets through adequate access control provisions, 2) fire hazards through adequate setbacks, and 3) flood hazards through land use controls for identified flood areas.



- to foster convenience by establishing a reasonable relationship of one land use to another and by considering the locational requirements of each land use for highway access and proximity to related uses.
- to promote general livability by calling for the provision of utilities and other public facilities.
- to enhance prosperity and general welfare by preserving the character of existing development through the denial of proposed detrimental uses and through the required use of buffer strips where needed.

These regulations and district boundaries have been made with consideration to the character of each district and its peculiar uses; and with a view of conserving the value of buildings and property and encouraging the most appropriate use of land within the Town of Kimball.

#### 1.040 ENACTMENT

For the purposes just stated, the Board of Mayor and Aldermen for the Town of Kimball does ordain and enact into law the following articles and sections:

## CHAPTER TWO CONTENTS

- SECTION
- 2.010 SCOPE
- 2.020 DEFINITIONS

### Chapter 2

#### DEFINITIONS

##### 2.010 SCOPE

To carry out the provisions and intentions of this ordinance, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

##### 2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

###### Access

The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

###### Accessory Building

A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

###### Accessory Use

A customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

###### Agriculture

The tilling of soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including agricultural industry or business, such as fruit or vegetable-packing plants, animal hospitals, or similar uses.

### Animal Husbandry

The science of breeding, feeding, and tending domestic animals, especially farm animals.

### Automobile Wrecking

The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof. (Also see wrecked auto yard)

### Average Ground Elevation

The elevation of the mean finished grade at the front of a structure.

### Basement

A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average ground elevation or when subdivided and used for commercial activities.

### Board

Kimball Board of Zoning Appeals

### Boarding or Rooming House

Any dwelling not divided into separate apartments, but in which three or more persons either individually or as families are housed for rent with or without meals.

### Buffer Strip

A planted strip thirty feet in width. Such a shall be composed of one row of evergreen trees, spaced not more than 40 feet apart and not less than 2 rows of shrubs or hedges, spaced not more than 5 feet apart within the row and which grow to a height of 5 feet or more after one full growing season and which shrubs will eventually grow to not less than 10 feet. The area of the buffer strip is to be in addition to the setback requirements.

### Building

Any structure having a roof supported by columns or by walls, including mobile homes, and similar structures whether stationary or movable.

### Building Inspector

The Kimball Building Inspector or his authorized representative appointed by the Mayor or Board of Aldermen.

### Building, Main or Principal

A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is situated.

### Building Setback Line

A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

### Campground

A parcel of land used or intended to be used or rented for occupancy by campers or for occupancy by travel trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

### Commercial Feed Lot

Any parcel of land on which 100 or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

### Country Club

A chartered, non-profit membership club with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, horse riding, clubhouse, pool, dining facilities, and cocktail lounge.

### Day Nursery

Any place, home or institution, which receives six or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

### District

Any section or sections of Kimball, Tennessee, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

### Dwelling

A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

### Dwelling, Multi-family

A building designed for occupancy by two or more families living independently of each other.

### Dwelling, Single-Family

A building designed to be occupied exclusively by one family.

### Dwelling Units

One or more rooms, a single kitchen, and a bath designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

### Family

A lot which lies behind the land or lots which front a street. The flag lot takes its access from the street via a narrow strip which is part of the flag lot and is not shared with any other lot or parcel. The name flag lot derives from the appearance of the lot on a plat, i.e. a flag (building site) with a flag pole (access strip).

### Floor Area

The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

### Gasoline Service Station

Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels), and automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair.

### Grade, Finished

The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

### Health Department

The Marion County Office of the Tennessee Department of Health and Environment.

### Height of Building

The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

### Home Occupation

See Chapter 4, Section 4.060.

## Hospital

*See Medical Facilities.*

## Junk Yard or Salvage Yard

A lot, land, or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. (In the latter case may include a "Wrecked Auto Yard.")

## Loading Space

A space within the main building or on the same lot therewith, providing for the parking, loading or unloading of a vehicle.

## Lot

A piece, parcel or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

## Lot Area

The total horizontal surface area of land included within the lot lines.

## Lot, Corner

A lot of which at least two adjoining sides abut on a street, provided that the interior angles at the intersection of two such sides is less than 135 degrees.

## Lot Coverage

The lot area covered by all buildings located therein including the area covered by all overhanging roofs. The maximum coverage area is 55% of the lot.

## Lot Depth

The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

## Lot Frontage

That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

### Lot, Interior

A lot other than a corner lot.

### Lot Lines

The boundaries dividing a given lot from the street, an alley, adjacent lots, or public water bodies.

### Lot of Record

A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds prior to the date of passage of the Kimball Subdivision Regulations.

### Lot Width

The width of a lot at the building setback line measured at right angles to its depth.

### Medical Facilities

*Convalescent, Rest, or Nursing Home:* A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

*Dental Clinic or Medical Clinic:* A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are kept overnight except under emergency conditions.

*Dental Office or Doctor's Office:* Same as dental or medical clinics.

*Hospital:* An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

### Minimum Floor Elevation

The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

### Mobile Home

A housing unit manufactured off-site, 14' wide or less, or forty (40) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

### Mobile Home Park

Any area, tract, site or plot of land whereupon two or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

### Mobile Home Subdivision

A subdivision with individual lot ownership planned for mobile homes and which meet all requirements of the Kimball Subdivision Regulations.

### Modular Building Unit (as defined in the 1985 Tennessee Residential Modular Building Act)

A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection on a permanent foundation, with or without other specified components, as a finished building and not designed for ready removal to another site. This term applies only to units intended for or used for residential occupancy. "Residential Occupancy" shall have the same meaning as that term is defined in the standard building code, as it is or is hereafter amended. (The unit shall resemble a conventionally constructed residence in appearance, size, and width.)

### Non-Conforming Use

A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

### Noxious Matter

Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, or chemical reactions or detrimental effects on the social, economic, or psychological well-being of individuals.

### Off-Street Parking Space

A yard, space, or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.



### Open Space

An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot. Driveways and sidewalks can be included in the open space.

### Parking Lot

An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

### Parking Space

An off-street space available for parking one motor vehicle and having an area of not less than 162 square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

### Planning Commission

The Kimball Municipal Planning Commission.

### Plat

A map, plan, layout, or other drawing indicating the location and boundaries of individual properties or lots.

### Principal Use

The specific primary purpose for which land or a building is used.

### Public Uses

Public parks, schools, and administrative, cultural, and service buildings but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

### Right-of-Way

The strip of public land provided for a public road. The right-of-way is generally wider than the actual road surface.

### Roadway

The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

### Sanitary Sewer System

A municipal or community sewage collection, treatment, and disposal system of a type approved by the health department.

### Sanitary Landfill

An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State of Tennessee.

### Setback

The required distance between the front, side, or rear lot lines, and the nearest portion of the principal structure.

### Shopping Center or Complex

A group of businesses, shops, stores, and/or professional services which were planned, developed and managed as a unit sharing elements such as parking, access drives, and often common walls often developed as a planned development. (PUD)

### Special Exception

Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board that he will meet certain enumerated safeguards or qualifying conditions for the special exception.

### Storm Sewer

A municipal or community collection and disposal system for the handling and control of rainwater drainage.

### Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with 8 feet or more of head clearance equals 50 percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with 8 feet or more of head clearance equals less than 50 percent of the floor area of the story next below shall be a "half-story." A basement shall be considered ground level from which the "height of building" is measure or if it is used for commercial purposes.

## Street

Any public or private thoroughfare which is intended for the use of vehicles, and usually also provides access to adjacent property. Types of streets are defined as follows:

### Major Thoroughfare

A major street serving as part of the principal network for cross-city and through traffic movement. A major thoroughfare has higher traffic volumes, usually has a wide right-of-way (designated as a major thoroughfare in the Kimball Transportation Plan).

### Collector Street

A street that serves a collection and distribution function carrying traffic from the local streets to the major thoroughfares or to other local streets.

### Local Street

The network of streets which primarily provide access to abutting property, i.e. neighborhood streets, generally two-lane with low traffic volumes and low traffic speeds.

### Cul-de-sac

A dead-end street, usually a local street.

### Alley

A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

## Structure

Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

### Townhouse, Residential

A single-family residential dwelling of one, or more floors on a lot by itself and having or appearing to have a common wall with an adjacent similar unit or units.

### Toxic Materials

Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in very small amounts.

### Travel Trailer (Recreational Vehicle)

A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than 220 square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

### Travel Trailer Park

A parcel or area of land designed and equipped to accommodate travel trailers as defined in T.C.A. 68-36-202(10) for short periods of time, not to exceed 14 days.

### Usable Floor Space

Floor space used for retail sale or display: including permanent outdoor sales, but excluding outdoor motor vehicle sales areas and outdoor plant sales areas at nurseries.

### Use

The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

### Use Permitted on Review

See Special Exceptions.

### Wrecked Auto Yard

Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

### Yard, Front

The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

Yard, Rear

The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side

The space, unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

CHAPTER THREE CONTENTS

SECTION

- 3.010 CLASSIFICATION OF DISTRICTS
- 3.020 ZONING DISTRICT MAP
- 3.030 ZONING DISTRICT BOUNDARIES
- 3.040 SPECIFIC DISTRICT REGULATIONS

ZONING DISTRICTS

3.010 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance the following zoning districts are hereby established in the Town of Kimball, Tennessee:

<u>Zoning District Name</u>	<u>District Abbreviation</u>
Residential District	R
Highway Business District	C-2
Industrial District	I-1
Flood Hazard District	F-1
Agricultural District	A-1

3.020 ZONING DISTRICT MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Zoning Map of Kimball, Tennessee. The zoning map or its amendments shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained at City Hall in Kimball, Tennessee, and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

3.030 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated on the zoning map or zoning map amendment, the stream tributaries district boundaries are lot lines, center lines of streets, or the corporate limits of the Town of Kimball as they exist at the time of the enactment of this

zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Kimball Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than 20 feet within the more restricted district.

### \* 3.040 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the zoning districts established in Section 3.010 of this ordinance.

#### A. RESIDENTIAL DISTRICT

##### 1. District Description

The residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for residence in areas which by location and character are appropriate for occupancy by moderate density, single-family and multiple-family dwellings. One of the important purposes of the district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions in the older established neighborhoods. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for the residents and adequate space for all related facilities.

##### 2. Uses Permitted

In the R Residential District, the following uses and their accessory uses are permitted:

- a. Single-family dwellings (conventional construction);
- b. Modular homes;
- c. Duplexes;
- d. Residential townhouses as regulated in Section 4.160;
- e. Funeral homes;
- f. Non-commercial nurseries, gardens, greenhouses;
- g. Churches;
- h. Church schools;
- i. Public schools and other public educational institutions;

- j. Utility facilities necessary for the provision of public services;
- k. Customary accessory buildings, including private garages and non-commercial workshops; and
- l. Mobile home parks subject to "Mobile Home Park Regulations" in Section 3.040-8.

3. Uses Permitted on Review

the R Residential District, the following uses and their accessory uses be permitted subject to review by the Kimball Municipal Planning Commission in accordance with the provisions of Section 4.060:

- Public parks and swimming pools;
- b. Customary incidental home occupations as provided in Section 4.060;
- c. Private schools, provided that:
  - 1.) There is planted evergreen buffer strip along the property lines, except the lines bordering on streets; and, (Refer to definition of Buffer Strip)
  - 2.) The building is located not less than 15 feet from the buffer zone or 45 feet from any property lines.
- d. Lodge halls, civic organizations, and private clubs, except clubs in which the chief activity is customarily carried on as a business;
- e. Radio, television and communication towers; and
- f. Cemeteries, subject to the provisions of Section 4.140.



5.  
4.

## Mobile Home Park Restrictions

### a. District Description

These guidelines are intended to provide for the development of single-family mobile home parks and for mobile home subdivisions. The purpose is two fold: 1) to provide for adequate mobile home parks where mobile home dwellers can rent a mobile home space, and 2) to provide for new platted mobile home subdivisions where mobile home owners can purchase a lot for their home. Mobile home subdivisions will be regulated by the Kimball Subdivision Regulations as to required improvements and approval procedure and by these zoning regulations for dimensional requirements.

### b. Uses Permitted

Single-family mobile homes and customary accessory uses such as storage sheds and car ports.

"Public" parks, playgrounds, and community buildings in Mobile Home Subdivisions.

"Private" parks, playgrounds, and community buildings in Mobile Home Subdivisions.

### c. Uses Prohibited

All uses not allowed under Uses Permitted.

### d. Regulations for Mobile Home Parks

- 1) Permit Required - no mobile home park shall be established or maintained by any person unless such person holds a valid mobile home park permit from the Town of Kimball. The permit shall not be issued until the Kimball Municipal Planning Commission has approved the site plan, the Marion County Health Department has approved the water and sewerage plans and other features required by the Tennessee trailer Court Act, and the Kimball Building Inspector has certified that the mobile park has been developed in accordance to the approved site plan.

2) Refer to the Kimball Subdivision Regulations.

4)\* Size of Mobile Home Spaces - each mobile home space shall have at least 3,600 square feet, including parking area, with a minimum width and length of 40 by 90 feet, respectively.

Ten feet from a mobile home park shall be situated such that there is at least:

- a. Ten feet from a mobile home to any adjacent property line;
- b. Twenty-five feet from any public street right-of-way to a mobile home; and
- c. Ten feet of clear and open space between any attachments such as screened porches and adjacent mobile homes or other buildings.

5) Street Requirements-the minimum widths of various private streets within a mobile home park shall comply with the following:

- One-way with no on-street parking.....10 ft. wide;
- Two-way with no on-street parking.....16 ft. wide;
- Parallel parking on one side.....8 ft. additional width;
- Parallel parking on two sides.....16 ft. additional width;

The streets will be constructed in accordance with the requirements in the Kimball Subdivision Regulations.

*NO MOBILE HOME SHALL BE LOCATED CLOSER THAN 10 FT FROM THE BOUNDARY LINE OF EACH MOBILE HOME SPACE.*

- j. Outdoor recreation facilities;
- k. Clubs, lodges and fraternal organizations;
- l. Utility structures and facilities including storage and parking facilities for equipment and supplies;
- m. Professional offices, financial institutions, insurance agencies, and
- n. Public uses and structures, churches.

### 3. Uses Permitted on Review

In the C-2 Highway Business Serving District, the following uses and their accessory uses may be permitted subject to review of the Kimball Municipal Planning Commission in accordance with the provisions of Section 6.060:

- a. Truck stops;
- b. Amusement parks, amphitheaters, ballparks, or stadiums, fairgrounds, and group picnic grounds;
- c. Planned unit development such as shopping centers and professional office complexes;
- d. Auditoriums, exhibit halls, field houses, gymnasiums, theaters, and indoor recreation facilities; and,
- e. Cemeteries, subject to the provisions of Section 4.140.

### 4. Dimensional Regulations

The following requirements shall apply to all uses permitted in the C-2 Highway Business District:

- a. Lot Area:
  - 1.) For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than 10,000 square feet.
  - 2.) For those areas not served by a sanitary sewer system the lot area requirements shall be determined by the Marion County Health Department, but in no case shall be less than 15,000 square feet.

b. Front Yard:

The depth of the front yard shall be 50 feet from the highway right-of-way. *MAJOR THOROUGH*  
*THE FRONT YARD SETBACK SHALL BE 40' FROM COLLECTOR STREET R-O-W + 30' FROM*

c. Side Yard:

*LOCAL STREET R-O-W.*

The width of any side yard which abuts a residential district shall not be less than 25 feet.

d. Rear Yard:

Each lot shall have a rear yard of not less than 10 feet where a commercial building is serviced from the rear here shall be provided a rear yard of not less than 30 feet; the depth of a rear yard which abuts a residential district shall not be less than 25 feet.

e. Lot Width:

Each lot shall have a width of not less than 75 feet at the building setback line.

f. Height Restriction:

No building or structure shall exceed 3 stories or 40 feet, except as provided in Section 5.040.

5. Requirement of Buffer Strip

*RESIDENTIAL,*  
Wherever a new use is established on property which abuts at any point upon property zoned the developer of said new use shall provide along the abutment a buffer strip as defined in Chapter 2..

6. Off-Street Parking Requirements (As regulated in Section 4.030)

7. Off-Street Loading and Unloading Requirements (As regulated in Section 4.040)

8. Access Control (As regulated in Section 4.010)

9. Site Plan Requirements (As required in Section 4.150)

- 6) Parking and Buffer Area-each mobile home park shall provide 2 parking spaces per mobile home space. Each parking space shall be at least 9 feet by 18 feet. They may be arranged side-by-side or end-to-end.
- 7) Water Supply-water shall be piped directly to each mobile home space or site. The developer of a mobile home park shall at the developer's costs attach to any public water supply located within 1,000 feet of the proposed park. If such a public water supply is available it shall be used exclusively.
- 8) Sewage Disposal-each mobile home park shall provide an adequate disposal system approved in writing by the health officer. Each mobile home space shall be equipped with at least 3-inch sewer connection trapped below the frost line and reaching at least 4 inches above the surface of the ground. All trunk sewer lines shall be laid in trenches separated by at least 10 feet horizontally from any drinking water supply line.
- 9) Solid Waste Collection-the storage, collection, and disposal of refuse within a mobile home park shall be so managed as to create no health hazards. All refuse shall be stored in fly-tight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than one a week. Costs associated with the collection and disposal shall be borne by each user.

e. Regulations for Mobile Home Subdivision

Mobile home subdivisions, if in the city, shall be located on land which is zoned R and shall be developed in accordance with the Subdivision Regulations regarding platting, design, improvements etc. with the following exceptions:

- 1) Lot Width shall be a minimum of 50 feet
- 2) Lot Depth shall be a minimum of 100 feet
- 3) Lot Area shall be a minimum of 5,000 square feet with public water and sewage. (Lots without public water and/or sewage shall have a lot area as prescribed by the Marion County Health Department to accommodate wells and/or individual septic tank systems.

## B. C-2 HIGHWAY BUSINESS DISTRICT

### 1. District Description

This district is established along selected portions of major thoroughfares to provide areas for those amusements, specialized sales, and travel accommodation activities which depend on visibility from or proximity to automobiles or traffic, serve regional travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles. It is intended that such areas have properties with lot sizes, yards, and performance and development standards sufficient to insure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness of adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere thus not contributing to congestion of the major thoroughfares.

### 2. Uses Permitted

The following uses and their accessory uses shall be permitted in the C-2 Highway Business District:

- a. Any retail business or service;
- b. Hotels and motels;
- c. Restaurants, grills, and fast food outlets including those allowing customer service in automobiles;
- d. Tourist services, including tourist information centers, souvenir/gift shops, and hunting/fishing/boating/camping supply shops;
- e. Ambulance and other emergency services;
- f. Gasoline service stations as regulated in Section 4.100;
- g. Establishments for the sale, service, or rental of passenger, travel, and recreation vehicles;
- h. Public or private golf courses;
- i. Libraries, art galleries, museums, and the like;

C. I-1 INDUSTRIAL DISTRICT

1. District Description

The I-1 industrial district is established to provide a suitable area for firms engaged in manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect the existing industries in the district.

2. Uses Permitted

In the I-1 Industrial District the following uses and their accessory uses are permitted provided that all building, health, and safety regulations are met:

- a. Industries, provided that any industry that may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction and operation will not injure present or prospective industrial development in the district;
- b. Wholesaling, warehousing, and those businesses which are incidental thereto, including storage yards, but excluding storage of any material of any explosive nature;
- c. Contractors or construction equipment dealer's yards;
- d. Repair or service facilities, including but not limited to automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing, and welding;
- e. Sales and service of boats, boat trailers and mobile homes;
- f. Agricultural equipment sales and service;
- g. Gasoline service stations;
- h. Veterinarian hospitals and kennels;
- i. Laundry and dry-cleaning establishments;
- j. Radio stations and transmission towers;

- k. Baking establishments;
- l. Bottling and distribution plants;
- m. Newspaper and printing plants;
- n. Truck terminals;
- o. Heavy equipment sales and service;
- p. Off-street parking lots and;
- q. Public utility structures.

3. Dimensional Regulations

All uses permitted in the I-1 Industrial District shall comply with the following requirements, except as provided in Chapter 5.

a. Front Yard:

The minimum depth of the front yard shall be 30 feet.

b. Rear Yard:

The minimum depth of the rear yard shall be 30 feet.

c. Side Yard:

The minimum depth of the side yard shall be 20 feet, except that side yards of industrial lots adjacent to residential districts shall be a minimum of 50 feet.

d. Land Area:

It is hoped that all industries will be served by public water and sewerage systems. Where public water and sewer service is available, there shall be required a minimum land area of 15,000 square feet.

In areas where only public water is available, the size of the lot shall meet the requirements of the Marion County Health Department based on soil types and septic system design requirements.

e. Lot Width:

No lot shall be less than 150 feet wide at the building setback line.



f. Height Requirement:

No building or structure shall exceed 3 stories or 40 feet in height, except as provided in Section 5.040.

4. Requirement of Buffer Strip

Wherever a new use is established on property which abuts at any point upon property zoned, the developer of said new use shall provide along the abutment a buffer strip as defined in Chapter 2.

5. Parking Space Requirements (As regulated in Section 4.030)

6. Off-Street Loading and Unloading Requirements (As regulated in Section 4.040)

7. Access Control (As regulated in Section 4.010)

8. Site Plan Requirements (As required in Section 4.150)

D. F-1 FLOOD HAZARD DISTRICT

1. District Description

The flood hazard district is established for the purpose of meeting the needs of the streams to carry floodwaters and protecting the stream channels and flood plains from encroachment so that flood heights and flood damage will not be appreciably increased; to provide the necessary regulations for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods and their overflow.

Open-type uses are permitted in the F-1 Flood Hazard District subject to approval of the Planning Commission and to such conditions as the Planning Commission may specify to preserve the character of adjoining districts and to protect the public interest.

2. Uses Permitted

In the F-1 Flood Hazard District the following uses are permitted:

- a.) Agricultural uses including crop, nursery stock and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.
- b.) Railroads, streets, bridges and public utility wire and pipelines for transmission and local distribution purposes.
- c.) Public parks and playgrounds and outdoor private clubs, including but not limited to country clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.
- d.) Recreational camps, camp grounds and camp trailer parks provided that rest room facilities shall be located and constructed in accordance with the Health Department requirements.
- e.) Any other uses customarily accessory or incidental to the above uses.

F.) The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town of Kimball or the planning commission or by any officer or employee thereof of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause of action against such public body, officer, or employee for any damage that may result pursuant thereto.

E. A-1 AGRICULTURAL DISTRICT

1. District Description

The A-1 Agricultural District is established to provide a suitable area for farming and animal husbandry.

2. Uses Permitted

In the A-1 Agricultural District the following uses and their accessory uses are permitted:

- a.) Agricultural uses including crop, tree farming, livestock grazing, and other agricultural uses which are of the same or a closely similar nature.
- b.) Any of the uses permitted in the other districts provided it complies with ~~Section D.4. of this Chapter.~~<sup>4.</sup>

3. Dimensional Regulations

All structures permitted in the A-1 Agricultural District shall comply with the following requirements:

a.) Front Yard

The minimum depth of the front yard shall be 30 feet.

b.) Rear Yard

The minimum depth of the rear yard shall be 10 feet.

c.) Side Yard

The minimum depth of the side yard shall be 20 feet.

## CHAPTER FOUR CONTENTS

### SECTION

- 4.010 ACCESS CONTROL
- 4.020 ACCESSORY USE REGULATIONS
- 4.030 OFF-STREET PARKING REQUIREMENTS
- 4.040 OFF-STREET LOADING AND UNLOADING REQUIREMENTS
- 4.050 CUSTOMARY HOME OCCUPATIONS
- 4.060 GENERAL LOT RESTRICTIONS
- 4.070 VISION AT STREET INTERSECTIONS
- 4.100 DEVELOPMENT STANDARDS FOR WRECKED AUTO YARDS AND  
JUNK YARDS OR SALVAGE YARDS
- 4.110 DEVELOPMENT STANDARDS FOR CEMETERIES
- 4.120 SITE PLAN REQUIREMENTS

## CHAPTER 4

### SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS WHERE APPLICABLE

#### 4.010 ACCESS CONTROL

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access onto the streets of Kimball, it is necessary to classify such streets as follows: major thoroughfares; collector streets; and local streets. The classification of each street shall be shown in the Transportation Plan of Kimball, Tennessee, which is kept in Town Hall.

#### A. Development Requiring Access Control Plan

Developers of commercial and industrial establishments and apartment complexes of three or more dwelling units must file an access control plan which meets all requirements of this section and must have such plan approved by the Kimball Municipal Planning Commission prior to obtaining a building permit. This access control plan is often part of a "site plan" as specified in Section 4.150 of this ordinance. However, in the event that such a site plan is not required, an access control plan must still be submitted and approved. Although access control plans are not required for single-family homes and duplexes, the provisions of Section 4.010:D1, 2, and 3 shall, nevertheless, be adhered to for access to these land uses.

B. General Access Regulations Applying to All Classifications of Streets

1. Maximum Width of All Access Points:

The maximum width of all access points shall be 30 feet measured at the property line; except when the development requiring access generates high overall or high peak traffic volumes, the Kimball Municipal Planning commission may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.

2. Temporary Access Ways:

Temporary access ways may be granted by the planning commission at the locations other than those specified for permanent access where it is expedient for the purpose of staged development. temporary access ways shall be closed by the owner when permanent access to the property is completed.

3. Off-Street Parking Lanes Entirely Independent of Public Streets:

No off-street vehicular storage or parking shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

4. Access for Lots fronting on More than One Street:

In all commercial developments where a lot abuts more than one street, the planning commission may require that the access be from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two or more streets, the number of access points shall conform to those allowed for each classification (see Section 4.010:D).

5. Gasoline Service Stations:

Gasoline Service Stations shall be allowed two access points onto the same street to allow proper circulation past the gasoline pumps. This is regardless of lot width or street classification provided the required site plan is approved by the Kimball Municipal Planning Commissions.

C. Construction of Frontage Roads and Interior Circulation Drives

In order to limit the number of individual access points to an arterial or collector street, the Kimball Municipal Planning Commission shall encourage any may require the development of frontage roads and interconnecting interior circulation drives.

1. Frontage Roads:

Frontage roads are those which parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties, eliminating the traffic congestion which would be caused if each parcel had its own access onto the arterial or collector street.

Access points between the frontage road and the arterial street shall be no closer together than 500 feet and no closer together than 300 feet along collector streets. All frontage roads shall be built to the standards specified in the Kimball Subdivision Regulations and shall be dedicated as public streets and then maintained by the Town of Kimball.

2. Interior Circulation Drives:

Interior circulation drives are needed in large developments which require large parking areas. These drives interconnect all parking lot access points with all buildings and areas of vehicular parking, loading, and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. The planning commission of adjacent developments be connected to eliminate the need to use the public streets to drive from one to another. All circulation drives shall be clearly defined and marked appropriately with arrows, etc. to assist public circulation into and out of the property and its parking areas.

An area of land not less than 10 feet deep shall be provided between the public street right-of--way line and the edge of all proposed frontage roads or interior circulation drives. this area will separate the roadways with a minimum turning radius. Such area shall be grassed.

The width, placement and design of frontage roads and interior circulation drives shall be reviewed by the Town of Kimball and the planning staff and shall be approved by the Kimball Municipal Planning Commission.

D. Specific Number of Access Points Allowed for Each Street Classification

Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads infeasible, the planning commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification.

1. Access Points for Major Thoroughfares:

In the absence of a frontage road, all lots having between 100 and 500 feet of frontage shall have no more than one point of access to the public arterial. For lots with over 500 feet of frontage, additional access points shall be allowed provided they are spaced at least 500 feet apart from each other and from the first access point. For development generating high overall or high peak traffic distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting an arterial street has less than 100 feet of frontage, the Kimball Municipal Planning Commission shall first attempt to obtain joint access with either adjacent property or access onto a frontage road. If this is not feasible, one single access point may be allowed.

2. Access Points for Collector Streets:

In the absence of a frontage road, all lots less than 300 feet in width shall have no more than one point of access to any one public street. For lots with over 300 feet of frontage, additional access points shall be allowed provided they are spaced at least 300 feet apart from each other and from the first access point.

3. Access Points for Local Streets:

All lots of less than 100 feet shall have no more than one point of access to the minor street. For lots with over 100 feet of frontage, additional access points shall be allowed provided they are spaced at least 100 feet apart from each other and from the first access point. (Frontage roads shall also be considered minor streets in order to provide the most lenient access provisions to developers who construction these beneficial facilities.)



4.020 ACCESSORY USE REGULATIONS

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot;
2. Be subordinate to and serve such principal use;
3. Be subordinate in area, intent, and purpose of such principal use; and,
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

4.030 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One passenger vehicle space shall be determined as 162 square feet of parking space and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below.

1. Dwellings:

Not less than two spaces for each family dwelling unit.

2. Boarding Houses and Rooming Houses;

Not less than one and one-half spaces for each two rooms occupied by boarders or roomers.

3. Tourist Accommodations, Hotels or Motels:

Not less than one space for each room offered for tourist accommodation.

4. Any Auditorium, Church, Stadium, or Other Place of Public Assembly:

Not less than one space for every 4 seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one space for each 100 square feet of floor space devoted to that particular use shall be provided.

5. Manufacturing or Other Industrial Use:

Not less than one space for every 3 persons employed or intended to be employed on a single shift, with a minimum of 6 spaces provided for any establishment.

6. Commercial Building or Use:

One space for each 175 square feet of usable floor space in the C-1 zone. Usable floor space is to be determined by the Kimball Regional Planning Commission based on the nature of the business.

7. Medical or Dental Clinics and Hospitals:

Four spaces per doctor, plus one additional space for each employee.

8. Service Stations:

Five spaces for each grease rack or similar facility, plus one space for each gasoline pump.

9. Offices:

One space for 200 square feet of office space.

10. Restaurants:

One space per 150 square square feet of usable floor area, plus one space for ever 2 employees. For drive-in restaurants, one space per 50 square feet of usable floor area.

B. Certification of Minimum Parking Requirements

Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

C. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

D. Remote Parking Space

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space meeting the requirements of this ordinance has been made for the principal use.

E. Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than 162 square feet in area (9 x 18).
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4.010.
4. The parking lot shall be contoured to drain surface water.

4.040 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, or business, or trade in any district shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

1. Behind every building or structure used for business or trade, there shall be a rear yard of not less than 20 feet in depth to provide space for loading and unloading vehicles, except as provided in Chapter 3.
2. The Board of Zoning Appeals may hereafter reduce this requirement where unusual or special conditions are due consideration.
3. Temporary Building:

In any district a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one year but may be renewed for 6 month extensions; however, not more than 3 extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner.

4. Real Estate Sales Office:

In any district a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Kimball Subdivision Regulations. Such office shall contain no living accommodations. The permit shall be valid for one year but may be granted two 6 month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the temporary use permit, whichever occurs sooner.

5. Religious Tent Meetings:

In the C-2 district a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a 30 day period.

6. Seasonal Sale of Farm Produce:

In the C-2 and I-1 districts a temporary use permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a 5 month period. All structures must be off the right-of-way and set back from the edge of the pavement a minimum of 25 feet.

7. Miscellaneous Assemblies:

In any district a temporary use permit may be issued for any lawful assembly, such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a 7 day period. Noise levels shall be considered when deciding whether to issue the temporary use permit near residences.

4.050 CUSTOMARY HOME OCCUPATIONS

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the above restrictions and is compatible with the district in which said home occupation is located. However, activities such as dance instruction, band instrument instruction (except piano instruction), tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.060 GENERAL LOT RESTRICTIONS

The following general lot restrictions shall be complied with in all districts.

A. One Principal Structure for Each Lot

1. Only one principal building and its customary accessory buildings may be erected on any lot.
2. No building shall be erected on a lot which does not abut at least one street for at least 40 feet, unless the lot is a flag lot in which case it must have at least 20 feet of frontage at the end of an access street which is 20 feet wide throughout its length. Such building shall conform to the lot and yard requirements of the district in which it is located.
3. If an existing lot of record already has one principal structure on the lot and the lot is of one acre or more in size and relief is sought from the "one principal structure for each lot" rule, the following concerns must be examined by the planning commission with approval for such relief granted by the Board of Zoning Appeals: (accordance with 6.060).
  - a. the location of the additional structure and its sewage disposal system be such that the property could be subdivided in the future without variances; and
  - b. no objection from the surrounding neighbors; and
  - c. the additional structure would be allowed in district where proposed; and
  - d. no more than one additional principal structure proposed for location.

B. Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

C. Rear Yards Abuts a Public Street

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street right-of-way line as required for adjacent properties which front on that street. In addition, any structure located within 25 feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

4.070 VISION AT STREET INTERSECTIONS

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of 75 feet from their intersection, there shall be no obstruction to vision between the heights of 3 1/2 feet and a height of 10 feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

4.100 DEVELOPMENT STANDARDS FOR WRECKED AUTO YARDS AND JUNK YARDS OR SALVAGE YARDS

Because of the nature and character of their operations, wrecked auto yards, junk yards or salvage yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether land uses, such as those outlined above, have properly minimized their objectionable characteristics.

A. General Standards for Evaluation

1. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed or so that they will not constitute a place of places in which rats, mice, or other vermin may be harbored, reared, or propagated.
2. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 1,000 feet from any established residential zone.

3. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from 8 to 12 feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for screening purposes shall be properly painted or otherwise maintained in good condition.
4. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

B. Off-Street Parking Requirements (As regulated in Section 4.030)

C. Ingress and Egress

The number and width of vehicular access driveways permitted on any single street frontage shall be limited to the requirements in Section 4.010:D.

D. Application for Wrecked Auto Yard, Junk Yard, or Salvage Yard Permit

No person shall own or maintain a new wrecked auto yard, junk, or salvage yard within the Town of Kimball until he has secured approval from the Board of Zoning Appeals for a proposed "use on review" according to Section 6.060 of this ordinance.

The written application, plans, and schedules and a statement of approval of the site percolation and drainage characteristics from the Marion County Sanitarian shall be submitted to the Kimball Municipal Planning Commission. The planning commission shall duly review these materials and make its recommendation in the form of a motion.

4.110 DEVELOPMENT STANDARDS FOR CEMETERIES

A. Specific Requirements

The following standards shall be imposed upon the development and construction of cemeteries in the Town of Kimball:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare via a safe, high-visibility intersection;
2. Any new cemetery shall be located on a site containing not less than 20 acres;



3. A plan showing burial plots and pedestrian and vehicular access ways shall be prepared before lots are sold.
4. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than 25 feet from any property line or street right-of-way line;
5. All graves or burial lots shall be set back not less than 25 feet from any property line or street right-of-way; and,
6. All required yards shall be mowed and maintained.

B. Application for Cemetery Permit

No person shall develop, construct, or maintain a cemetery in the Town of Kimball until he has secured approval from the Kimball Board of Zoning Appeals for a proposed "use on review" according to Section 6.060 of this ordinance.

The written application, plans, schedules, and other information as required shall be submitted to the Kimball Municipal Planning Commission. The planning commission shall duly review these materials and make its recommendations in the form of a motion.

4.120 SITE PLAN REQUIREMENTS

Except as hereinafter provided in this section and in Chapter 5, it shall be unlawful for any person to construct or erect any building or structure on any land within the Town of Kimball until a site plan has been submitted and approved in accordance with the provisions of this chapter. such plan shall delineate the overall scheme of development of a tract of land, including but not limited to grading; drainage; existing and proposed improvements; size, height, shape, and location of buildings; location and design of parking areas; pedestrian and vehicular circulation on site; and circulation for emergency apparatus.

A. Exceptions

The provisions of this chapter shall not apply to:

1. Single-family dwellings, two-family dwellings, accessory buildings thereto, or to the land on which they are situated or proposed;
2. Farm structures such as barns, equipment sheds, and the like.

3. Additions to buildings where the total gross floor area of the proposed addition does not exceed 1/3 of the total gross floor area of the existing building or 1,000 square feet, whichever is smaller;
4. New buildings where the total gross floor area does not exceed 1,000 square feet; provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one foot, the site is not in a floodplain, and the site is not in excess of 10,000 square feet;
5. Improvements for off-street parking purposes when appurtenant only to existing buildings and where such improvements does not provide more than 10 additional parking spaces; and,
6. Grading of open areas, either by excavation or fill, for the sole purpose of bringing the land to a grade compatible with the surrounding area provided such grading does not have an adverse effect on surrounding lands by causing ponding, flooding, or erosion.

B. Development According to Site Plan

It shall be unlawful for any person to construct, erect, or alter any building or structure, or to develop, change, or improve land for which an approved site plan is required by this chapter except in accordance with the approved final site plan.

C. Permits Not to be Issued Without Approved Site Plans

No permit shall be issued to erect or alter any building or structure until a site plan has been submitted and approved in accordance with the provisions of this chapter.

D. Site Plan Submission

The owner or developer shall submit 3 copies, or as many as may be required by the Kimball Municipal Planning Commission no later than 15 days prior to the next regular meeting of the planning commission. The planning commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the secretary of the Kimball Municipal Planning Commission. One copy of the approved plan shall be retained by the Kimball Municipal Planning Commission.

D. Site Plan Submission

The owner or developer shall submit 3 copies, or as many as may be required by the Kimball Municipal Planning Commission, of his proposed site plan to the Kimball Municipal Planning Commission no later than 15 days prior to the next regular meeting of the planning commission. The planning commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval of disapproval note thereon over the signature of the secretary of the Kimball Municipal Planning Commission. One copy of the approved plan shall be retained by the Kimball Municipal Planning Commission.

E. Site Plan Content

1. The site plan shall show the following:
  - a. Name of development and address;
  - b. Name and address of owner of record and the applicant;
  - c. Present zoning of the site and abutting property;
  - d. Date, scale, and north point;
  - e. Courses and distances of all property lines and of all street center lines;
  - f. All property setback lines, easements, covenants, reservations, and rights-of-way;
  - g. The total land area of site; and,
  - h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating 50-foot contours as required by the Kimball Municipal Planning Commission and by spot elevations where necessary to indicate flat areas, as based on U. C. and G.S. datum.
2. The site plan shall show the location of the following when existing:
  - a. Sidewalks, streets, alleys, easements, and utilities;
  - b. Buildings and structures, including signs;
  - c. Public sewer systems with line sizes noted;

- d. Slopes, terraces, and retaining walls;
  - e. Driveways, entrances, exits, parking areas, and sidewalks;
  - f. Water mains with size noted and fire hydrants;
  - g. Major tree and shrub areas;
  - h. Recreational areas and swimming pools;
  - i. Natural and artificial watercourses; and,
  - j. Limits of the floodplains.
3. The site plan shall show the location dimensions, size, and height of the following when proposed:
- a. Sidewalks, streets, alleys, easements, and utilities;
  - b. Buildings and structures, including signs;
  - c. Public sewer systems with line sizes noted;
  - d. Slopes, terraces, and retaining walls;
  - e. Driveways, entrances, exits, parking areas, and sidewalks;
  - f. Water mains with size noted and fire hydrants;
  - g. Major tree and shrub areas;
  - h. Recreational areas;
  - i. Distance between buildings;
  - j. Estimates of the following:
    - Number of dwelling units;
    - Number of parking spaces;
    - Number of loading spaces;
    - Square feet of floor space;
    - Plans for collecting storm water and methods of treatment of natural and artificial watercourses; and

--Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures (proposed topography of site shall be shown by five-foot contours as required by the Kimball Municipal Planning Commission.)

F. Requirements, Regulations and Restrictions

1. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the building inspector, emergency vehicle easements shall be provided. The access for fire, police, and emergency vehicles shall be unobstructed at all times.
2. The width, grade, location, alignment, and arrangement of streets, sidewalks, and alleys shall conform to the the Kimball Transportation Plan and/or subdivision regulations.
3. Adequate water mains and fire hydrants shall be provided in accessible places in accordance with sound fire fighting and fire prevention practice acceptable to the Kimball Building Inspector.
4. Adequate provision shall be made for collection and disposition of of all on-site and off-site storm water and natural surface water. Natural drainage ways shall be used when it is reasonably practicable to do so, and improvements shall be made to said ways in accordance with good engineering practices.
5. Adequate provision shall be made to control the slippage, shifting, erosion, accretion, and subsidence of soil.
6. Adequate provision shall be made for the collection and disposition of all on- and off-site sanitary sewage.

G. Appeals

If an applicant determines that his site plan has been unjustly disapproved or that the Kimball Municipal Planning Commission has made requests for conformity to standards other than those set forth in this ordinance, the applicant may appeal the decision of the Planning Commission to the Board of Zoning Appeals as provided in Chapter 6 of this Ordinance.

## CHAPTER FIVE CONTENTS

### SECTION

- 5.010 SCOPE
- 5.020 NON-CONFORMING USES
- 5.030 EXCEPTIONS TO HEIGHT LIMITATIONS
- 5.040 LOTS OF RECORD
- 5.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS
- 5.060 ABSOLUTE MINIMUM LOT SIZE

## Chapter 5

### EXCEPTIONS AND MODIFICATIONS

#### 5.010 SCOPE

Chapter 5 of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 3 and Chapter 4.

#### 5.020 NON-CONFORMING USES

TCA 13-7-208 deals with non-conforming industrial, commercial, and business uses as follows:

"In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial, or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that

there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

The provisions of the preceding three paragraphs shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land."

An existing non-conforming use which is NOT an industrial, commercial, or business use shall meet these criteria:

- 1) An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification providing, however, that establishment of another non-conforming use of the same or higher classification shall be subject to the written

approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

- 2) A non-conforming use of land shall be restricted to the area occupied by such use of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
- 3) When a non-conforming use of any structure or land, excepting non-conforming mobile homes or mobile home parks, has been discontinued for a period of 6 months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. Immediately upon the removal of a non-conforming mobile home or mobile home park, the non-conformity of such structure or use of land shall lapse.
- 4) Any non-conforming building or non-conforming use which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before if it be done within 6 months of such damage, unless more than 60 percent of the structure is damaged in which case any repair, reconstruction, or future use shall be in conformity with the provisions of this ordinance.
- 5) A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

#### 5.030 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.



- 3) Before the building can be occupied, the developer must secure a statement from the building inspector that the fire protection systems have been installed according to the plans and that the systems are functioning properly.

#### 5.040 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

- 1) Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- 2) No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- 3) Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more buildings sites meeting the minimum requirements of the district in which they are located.

#### 5.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within 100 feet on each side of such lot is less than the minimum required front yard depth.

#### 5.060 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Board of Zoning Appeals permit a detached residence to be erected on a lot whose total lot area is less than 7,500 square feet, unless standards found in 6.080(c) can be applied.

## CHAPTER SIX CONTENTS

### SECTION

- 6.010 ADMINISTRATION OF THE ORDINANCE
- 6.020 THE ENFORCEMENT OFFICER
- 6.030 BUILDING PERMITS
- 6.040 TEMPORARY USE PERMITS
- 6.050 CERTIFICATE OF OCCUPANCY
- 6.060 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW
- 6.070 BOARD OF ZONING APPEALS
- 6.080 VARIANCES
- 6.090 AMENDMENTS TO THE ORDINANCE
- 6.100 REMEDIES
- 6.110 INTERPRETATION
- 6.120 SEPARABILITY
- 6.130 EFFECTIVE DATE

### Chapter 6

#### ADMINISTRATION AND ENFORCEMENT

#### 6.010 ADMINISTRATION OF THE ORDINANCE

Except as otherwise provided, no structure or land shall, after the effective date of this ordinance, be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

#### 6.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered by the Kimball Building Inspector. The building inspector shall administer and enforce this ordinance and in addition he shall:

1. Issue all building permits;
2. Issue all certificates of occupancy;
3. Issue and renew, where applicable, all Temporary Use Permits; and,

4. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector shall possess the right to enter upon any premises at reasonable times for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

The city recorder shall keep and maintain all records; current zoning maps and amendments thereto, and collect all monies pertaining to the administration and enforcement of this ordinance.

#### 6.030 BUILDING PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures; to commence the moving, alteration, or repair of any structure including accessory structures; or to commence the filling of land or to cause any such work to be done with a value in excess of \$2,000 within the corporate limits of Kimball until the building inspector has issued for such work a Building Permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform to the provisions of this ordinance.

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until such plans have been inspected and found to be in conformity with this ordinance. To this end the application for a building permit for excavation, construction, moving, or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with this ordinance:

1. The actual shape, location, and dimensions of the lot to be built upon;
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
3. The existing and intended use of all such buildings or other structures; and,

4. Location and design of off-street parking areas and off-street loading areas; and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If any application for a building permit is not approved the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance and building permits shall be void after 6 months from date of issue, unless the project has or is 60% complete by that time.

#### 6.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Kimball Building Inspector as provided for in Section 4.050 of this ordinance. Application for a temporary use permit shall be made in writing to the building inspector on forms provided for that purpose.

#### 6.050 CERTIFICATE OF OCCUPANCY

No land or building or other structure or part thereto hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within seven days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal in writing with the cause for such refusal. The issuance of a Certificate of Occupancy shall not be construed as any more than a certification that the use conforms to this ordinance. It is not a representation or warranty of the work, the materials or safety of the use.

PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW AND SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals (BZA). The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive or otherwise not in compliance with this ordinance.

A. Application

An application for review shall be filed with the planning commission chairman or secretary. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within 200 feet, and any other material pertinent to the request which the BZA may require of the planning commission.

B. Restrictions

The planning commission may note such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance and provide such recommendations to the BZA.

C. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the review of the planning commission and approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit

All applications submitted to the planning commission shall be forwarded to the BZA within 60 days of the date of application, and the applicant shall be notified whether his request was approved or denied. The action shall be noted in the minutes of the meeting of BZA at which the action was taken.

6.070 BOARD OF ZONING APPEALS (BZA)

A Board of Zoning Appeals (BZA) is hereby established in accordance with 13-7-205 through 13-7-207 of the Tennessee Code Annotated. The BZA shall consist of 5 members appointed by the Board of Mayor and Aldermen.

## A. Procedure

Meetings of the BZA shall be held at the call of the chairman, and at such other times as the BZA may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

## B. Appeals to the BZA

An appeal the BZA may be taken by any person, firm or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the BZA all papers constituting the record upon which the action appealed was taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notices thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any person or party may appear in person, by agent, or by attorney.

## C. Powers of the BZA

The BZA shall have the following powers:

### 1. Administrative Review:

To hear and decide appeals where it is avowed by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance:

### 2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the BZA is authorized to pass;

### 3. Variances:

To hear and decide applications for variances from the ~~Plan~~ <sup>Part 107</sup> of this ordinance.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance using the standard form made available by the BZA.

B. Hearings

Upon receipt of an application and a \$10 fee, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The BZA shall consider and decide all applications for variances within 30 days of such hearing and in accordance with the standards provided below.

C. Standards for Variances

In granting a variance, the BZA shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the board, do not apply generally in the district;
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which the request is made;
3. For reasons fully set forth in the findings of the BZA the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land;

4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development; and
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor.

#### 6.090 AMENDMENTS TO THE ORDINANCE

##### A. General

The Board of Mayor and Aldermen may, from time to time, amend this ordinance by changing the boundaries of districts or by rewriting provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

##### B. Initiation of Amendment

Amendments may be initiated by the Board of Mayor and Aldermen, the planning commission or by citizens desiring an amendment.

##### C. Application for Amendment from Citizens

A request for an amendment shall be in writing and shall also be accompanied by maps,, drawings, a petition signed by the owners affected by the proposed amendment, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the Town of Kimball and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. (An accurate legal description shall be prepared in time for notice of any public hearing.)

##### D. Review and Recommendation by the Planning Commission

The planning commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to the Zoning Ordinance.



#### E. Grounds for an Amendment

The planning commission in its review and recommendation and the Board of Mayor and Aldermen in its deliberations shall make their findings with regard to the following grounds for an amendment:

1. The amendment is in agreement with the general plan for the area;
2. The amendment does not violate the legal grounds for zoning provisions;
3. It has been determined that there will be no adverse effects upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public; and,
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan and, consequently, the zoning map.

#### F. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this ordinance. Notice of such hearing shall be in a newspaper of general circulation within the Town of Kimball at least 15 days prior to the hearing. This notice shall specify the location, date and time of the hearing, the current and proposed zoning classification, and in the case of a proposed boundary change a legal description of the change.

#### G. Enactment

All amendments recommended by the planning commission must receive the majority vote of the entire membership of the Board of Mayor and Aldermen.

#### H. Amendments Affecting the Zoning Map

Upon enactment of an amendment to the Zoning Map which is part of this ordinance, the city commission shall have such amendment placed upon the zoning map, noting thereon the ordinance number and effective date of such amendatory ordinance.

## I. Effect of Denial of Application

Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial except in the following cases:

1. Upon initiation by the Board of Mayor and Aldermen or planning commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or,
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

### 6.100 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may seek remedy in the courts by instituting injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

### 6.110 INTERPRETATION

In case of conflict between this ordinance of any part thereof and the whole or part of any existing or future ordinance of the Town of Kimball, the most restrictive shall, in all cases, apply.

### 6.120 SEPARABILITY

Should any section or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

30. EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

PASSED ON FINAL READING:

August 23, 1988  
Date

[Signature]  
Mayor

ORDINANCE NO. 62

AN ORDINANCE TO AMEND ORDINANCE NO. 61 TO  
ESTABLISH DIMENSIONAL REGULATIONS FOR NEW  
CONSTRUCTION IN THE R-1 RESIDENTIAL DISTRICT

WHEREAS, the Mayor and Board of Aldermen have heretofore enacted Ordinance Number 61 to establish zoning districts in the Town of Kimball; and

WHEREAS, it appears that certain sections of Ordinance Number 61 pertaining to dimensional regulations for new construction in the R-1 Residential District were inadvertently excluded; and

WHEREAS, the Mayor and Board of Aldermen, after giving the matter great concern and deliberation, have determined that Ordinance Number 61 should be amended as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Board of Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

Section 1: Section 3.040A of Ordinance Number 61 is amended by inserting the following provisions:

3.040 SPECIFIC DISTRICT REGULATIONS

A. RESIDENTIAL DISTRICT

4. Dimensional Regulations

All uses permitted in the R-1 Low Density District shall comply with the following requirements, except as provided in Chapter 5, "Exceptions and Modifications."

a. Front Yard:

The minimum depth of the front yard shall be 40 feet.

b. Rear Yard:

The minimum depth of the rear yard shall be 15 feet for the principal structure. Page 193

c. Side Yard:

The side yard shall be a minimum of 10 feet for one and two story structures, plus 5 additional feet of side yard for each additional story over 2.

If the side yard abuts a local street or cul-de-sac, the side yard setback shall be 20 feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be 25 feet.

d. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 15,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 15,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one single-family dwelling provided that the lot in question has a public water supply and sanitary sewer service. In that case, said lot of record shall not be less than 7,500 square feet in area.

e. Lot Width:

No lot shall be less than 100 feet wide at the building setback line.

f. Height Requirement:

No building shall exceed 2-1/2 stories or 35 feet in height, except as provided in Section 5.030.

Section 2: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Mayor and Board of Aldermen on final reading on the 23 day of February, 1989.

James W. Cooley  
Mayor

Passed on First Reading: 2-7-89  
Passed on Second Reading: 2-16-89  
Passed on Third Reading: 2-23-89

ORDINANCE NO. 63

AN ORDINANCE TO AMEND ORDINANCE NO. 59  
RELATIVE TO THE REGULATION OF SIGNS  
WITHIN THE CORPORATE LIMITS OF THE TOWN  
OF KIMBALL, TENNESSEE

WHEREAS, the Mayor and Board of Aldermen have heretofore enacted Ordinance Number 59, as amended by Ordinance Number 60, to regulate construction, erection, placement, and maintenance of signs and outdoor displays and advertising; and

WHEREAS, it appears that certain sections of Ordinance Number 59, as amended by Ordinance Number 60, do not advance or are not necessary to protect the best interests and public welfare of the Town of Kimball; and

WHEREAS, the Mayor and Board of Aldermen, after giving the matter great concern and deliberation, have determined that Ordinance Number 59 should be amended as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Board of Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

Section 1: Section 3(I), as amended by Ordinance Number 60, is deleted in its entirety and, in lieu thereof, the following language is substituted:

3. Signs permitted:

(I) Any illuminated sign so long as the bottom of the sign, including that portion of the sign defined as the "reader board", is elevated a distance of at least twelve (12) feet above the finished ground level surrounding the base of the sign. A "reader board" is defined as that area of the sign which is designated for temporary, removable letters and numbers.

Section 2: Section 4(F) is amended by deleting same in its entirety, and in lieu thereof, the following language is substituted:

4. Signs Prohibited:

(F) Billboards and any other outdoor advertising structures, including, but not limited to, portable or movable temporary signs, illuminated or otherwise. A billboard is defined as any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

Section 3: Sections 5(A) and (B)(1) and (2) are amended by deleting same in their entirety, and in lieu thereof, the following language is substituted:

5. Permit Procedure:

(A) Before any person shall erect, construct, maintain or place any sign permitted by this Ordinance to be constructed, erected, placed or maintained, such person shall submit an application for permit to the City Recorder. No application will be considered until it has been on file with the City Recorder for ten (10) days. During said ten (10) day period, or prior to the regularly scheduled meeting of the Mayor and Aldermen of the Town of Kimball, the Building Inspector for the Town of Kimball shall inspect the location of and plans for said sign. All applications for permits shall contain the following minimum information and such other additional information as may, by resolution, be required by the Mayor and Aldermen:

- (1) Location of property;
- (2) Name and address of all persons owning or claiming an interest in said property;
- (3) Popular name or posted names of any abutting streets, roads, highways or lanes;
- (4) Sketch of property showing dimensions of tract and approximate location of the sign(s);
- (5) The exact dimensions of the sign or display;
- (6) The materials to be used in the construction, erection, maintenance or repair;
- (7) The name, address, and telephone number of the applicant or applicant's agent;
- (8) Estimated construction costs, including costs of installation; and
- (9) Any other information applicant deems appropriate in support of the application.

(B)(1) Once an application has been reviewed and the location and plans for said sign have been inspected and approved by the Building Inspector, said application shall be placed on the agenda for presentation to the Mayor and Board of Aldermen at its next regularly scheduled monthly meeting for such action as may be justified, including, but not limited to, approval, denial, modification, amendment, alteration, deferral or withdrawal of any application. At said meeting, the Mayor and Board of Aldermen may consider the recommendations



and findings of the Building Inspector in acting on the application.

(2) The applicant shall be given notice at least ten (10) days in advance of the meeting at which the subject application will be considered by the Mayor and Board of Aldermen. The applicant shall be present, either in person or by duly authorized agent or representative, when the application for permit is placed on the agenda. Failure, without just cause, or refusal of the applicant to appear shall result in an automatic rejection of the application. Just cause for failure to appear may include, but not be limited to, illness of applicant, death in applicant's immediate family, unavoidable scheduling conflicts, and like matters.

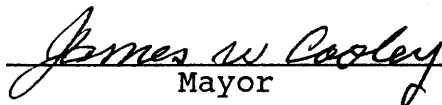
Section 4: Section 6 is deleted in its entirety and, in lieu thereof, the following language is substituted:

6. Fees:

Upon the application for a permit, there shall be required the payment of a one-time, nonrefundable inspection fee of Ten (\$10.00) Dollars to the City Recorder. Upon approval of the application for permit by the Mayor and Aldermen as hereinabove set forth, the City Recorder shall collect from the applicant at the time of issuance a one-time fee calculated by multiplying the total square feet by the sum of sixty cents (.60).

Section 5: This Ordinance shall take affect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 16 day of March, 1989.

  
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Mayor

Passed on First Reading: 3-2-89  
Passed on Second Reading: 3-3-89  
Passed on Third Reading: 3-16-89

ORDINANCE NO. 64

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE KEEPING OF DOGS WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TO PROHIBIT THEM FROM RUNNING AT LARGE, AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE AND PUNISHMENT FOR ITS VIOLATION.

WHEREAS, the running of dogs at large within the corporate limits of the Town of Kimball has become a problem of great concern to the Board of Mayor and Aldermen; and

WHEREAS, in an effort to remedy this problem, the Board of Mayor and Aldermen has deemed it necessary for the health, welfare, and benefit of the citizens, guests and visitors of the Town of Kimball to pass this Ordinance for the purpose of controlling and regulating the keeping of dogs within the corporate limits of the Town of Kimball.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee, as follows:

Section 1: Running at large prohibited. It shall be unlawful for any person to knowingly or negligently permit any dog owned by him or her or under his or her control, to run at large within the corporate limits of the Town of Kimball.

Section 2: Pen or enclosure to be kept clean. All pens or enclosures used to house or confine dogs kept within the corporate limits shall at all times be maintained in a clean and sanitary condition.

Section 3: Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having said dog duly vaccinated against rabies and registered in accordance with the provisions of the Tennessee Anti-Rabies law, Tennessee Code Annotated Sections 68-8-101 through 68-8-114, or other applicable law.

Section 4: Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section.

Section 5: Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, any authorized health officer, animal control officer, rabies control officer, or police officer may cause such dog to be confined or isolated for such time as is deemed reasonably necessary to determine if such dog is rabid.

Section 6: Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection and welfare of other animals and persons.

Section 7: Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood.

Section 8: Keeping in such manner as to become a nuisance prohibited. No dog shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason.

Section 9: Inspection of premises. For the purpose of insuring compliance with the provisions of this Ordinance, any health officer, animal control officer, rabies control officer, or policeman of the Town of Kimball shall be authorized to enter and inspect, at any reasonable time, any premises where a dog is allegedly kept within the corporate limits of said Town.

Section 10: Seizure and disposition of dogs. Any dog found running at large may be seized by any health officer, animal control officer, rabies control officer, or by any police officer of the Town of Kimball, and placed in a pound provided or designated by the Board of Mayor and Aldermen.

If the owner of an impounded dog can be identified, then such owner shall be notified by a post card addressed to the owner's last known address to appear within five (5) days and redeem said dog by paying a fee and costs as established by the rules and regulations governing the operation of the above-designated pound. If said owner

fails to appear within the five (5) day period after date of said postcard, then said dog may be destroyed, sold, given away, or otherwise disposed of in a humane manner. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it may be summarily destroyed by any health officer, animal control officer, rabies control officer, or by any police officer of the Town of Kimball.

Section 11. Issuance of Orders and Notices. In addition to the rights of impoundment and destruction as authorized above, any health officer, animal control officer, rabies control officer, or police officer of the Town of Kimball is hereby authorized to issue orders requiring the removal of a dog from within the corporate limits of said Town when the keeping of such a dog is in violation of this Ordinance, and at all times when the keeping of such a dog may constitute a hazard to the public health. If said orders are not complied with, those persons in violation of the orders and this Ordinance shall be cited to appear before the Municipal Judge of the Town of Kimball.

Section 12. Punishment for violation of this Ordinance. Any person or persons violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars for each offense, and each day of continued violation shall constitute a separate offense. The Municipal Judge may, also, order the removal and/or destruction of the involved dog.

Section 13. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section 14. This Ordinance shall take effect from and after its final passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 6 day of July, 1989.

James W. Cooley  
Mayor

Passed on First Reading: June 1  
Passed on Second Reading: July 6, 1989

ORDINANCE NO. 65  
AN ORDINANCE TO AMEND ORDINANCE NUMBERS 59, 60, AND 63  
RELATIVE TO THE REGULATION OF SIGNS WITHIN THE  
CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Kimball Municipal Planning Commission has recommended to the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that its Zoning Ordinance be amended as more particularly set forth hereinafter; and

WHEREAS, the Board of Mayor and Aldermen, after giving the matter great concern and deliberation and after holding a public hearing relative to same, has determined that the Municipal Code should be amended and added to for the purpose of establishing a reasonable and impartial method of regulating advertising signs in order to ensure light, air and open space; to reduce traffic hazards and to protect property values of the entire community while simultaneously encouraging creative and imaginative design in order to create a more attractive economic and business environment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

Section 1: Ordinance Numbers 59, 60 and 63, the present Sign Ordinance and amendments are deleted in their entirety, and in lieu thereof, the following language is substituted:

Sign Controls.(1) The following regulations apply to on-premise signs in the districts hereinafter setforth:

A. Residential District (R)

(1) Signs accessory to professional and home occupations conducted in a dwelling are permitted provided that the surface display area on one side of the sign does not exceed two (2) square feet.

(2) No more than one (1) sign shall be erected for each permitted use on the premises.

- (3) Real Estate signs are permitted.
- (4) No other signs are permitted.

B. Highway Commercial District (C-2)

said signs:

- (1) Attached signs are permitted provided
  - a. do not exceed 20% of the area of the building face to which the sign is to be erected;
  - b. are not mounted, attached or painted to the building's roof or extend above the building's roof line, and
  - c. are not mounted, attached or painted to the building's wall (not the primary face of the building) with the exception of signs that specifically identify the business by name.

signs:

- (2) Ground signs are permitted provided said
  - a. are no larger than 100 square feet in surface display area;
  - b. are setback 10 feet from the public right-of-way. This measurement is taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign;
  - c. are spaced so they are not closer than 50 feet to another ground sign, and
  - d. are no higher than 60 feet, except, when located within one hundred (100) feet of a residential zone, it shall not exceed 20 feet in height.
- (3) Real Estate signs are permitted.

- (4) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding 32 square feet in area and identifying the contractors, engineers/architects and federal, state, or local agency, if any, involved, which signs shall be removed immediately upon completion of the construction.
- (5) Aggregate display surface area of all signs shall not exceed 150 square feet plus an additional square foot for each linear foot of street frontage over 100 feet, the total size not to exceed 300 square feet.

(C) Industrial District (I-1)

- (1) Attached signs are permitted provided said signs:
  - a. Do not exceed 20% of the area to the building's face to which is to be erected.
  - b. Are not attached, mounted or painted to the building's roof or extended above the building's roof line.
- (2) Ground signs are permitted provided said signs:
  - a. Are setback 10 feet from the public right-of-way . This measurement is to be taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign;
  - b. Are spaced so that they are no closer than 50 feet to one another.
- (3) Real Estate Signs are permitted.



- (4) Contractor's signs are permitted during construction of a building for which a building permit has been issued, (1) sign not exceeding 32 square feet in area and identifying the contractors, engineers/architects and federal, state or local agency, if any involved, which signs shall be removed immediately upon completion of the construction.
- (5) Aggregate display surface area of all signs shall not exceed 1,000 square feet.
- (6) Billboards are permitted only in the Industrial District provided said signs:
  - a. Are not larger than 775 square feet in surface display area.

D. All signs hereafter erected in any district shall also comply with the following regulations:

- (1) Signs painted or pasted directly on the structures shall be counted against the aggregate display surface area allowed.
- (2) Signs incorporating any noisy mechanical device are expressly prohibited.
- (3) No sign or part thereof shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices for over 30 days. These may be used as part of a new business's grand opening celebration only for a period not to exceed 30 days.
- (4) Illuminated signs and outside lighting devices, including beacons and spotlights, shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating, or moving light or lights, except message center signs. In no event shall an illuminated sign or lighting device be so

placed or directed so as to permit focused light to be directed or beamed upon a public street, highway, sidewalks, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance. Bare bulbs may be used on signs only when they are used as an integral part of the sign or as a message center sign and provided that the maximum wattage of the bulb shall not exceed seventy-five (75) watts.

- (5) No sign or any type of any foundation or support, therefore shall be placed in or on any dedicated street or highway right-of-way, or in any utility and drainage easement. No part of a sign may extend over the right-of-way.
- (6) No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof. The bottom of the sign shall not be lower than 12 feet.
- (7) Signs are prohibited which contain or are an imitation of an official traffic signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words, when used in such a manner that the same may be mistaken or confused with an official sign.
- (8) No new billboards shall be erected within the corporate limits, except as allowed in the Industrial District (I-1).
- (9) The setback refers to any portion of the sign or its supports.
- (10) In computing the area of all signs permitted under this Ordinance, the same shall be computed as follows:

- a. The supports or uprights and covering thereon on which a sign is supported shall not be included in the display surface area of a sign.
- b. When two signs of the same shape and dimensions are mounted or displayed back to back and parallel, only one such face shall be included in computing the total display surface area of the sign.
- c. The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be the sum of the net area of each letter. Area of letters equals shaded area only.
- d. The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline shall be the total area of the sign including the background, box or outline.
- e. The display surface area of a multi-faced sign shall be one-half (1/2) of the sum of all surface area forming a part of the display.

(11) Any sign legally in existence at the time of the effective date of this ordinance may be continued in use despite any non-conformity with these provisions; if such non-conforming sign is removed or altered by act of God, by act of God, vandalism or accident, it may be restored to its former condition; if such non-conforming sign needs to be changed, painted or relettered by reason of change of business, the same may be done; if such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced or re-erected.

- (12) In any zoning district, in addition to the regulations contained herein, and to the extent they do not conflict with the same, those regulations contained within Chapter 23 "Signs and Outdoor Displays", of the Southern Standard Building, 1982 edition shall apply.

Section 2: Billboards, except as provided in C(6) above, and any other outdoor advertising structures not herein expressly allowed, including, but not limited to portable or movable temporary signs, illuminated or otherwise, are expressly prohibited. A billboard is defined as any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

Section 3: Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts thereof shall be severable and shall continue to be in full force and effect.

#### Section 4: Permit Procedures

- A. Before any person shall erect, construct, maintain or place any sign permitted by this Ordinance to be constructed, erected, placed or maintained, such person shall submit a sign application to the City Recorder. During a ten (10) day period prior to the regularly-scheduled planning commission meeting, the building inspector shall inspect the location and plans for said sign for compliance to this ordinance. The sign applications shall include but not necessarily be limited to the following information:

- (1) Location of property;
- (2) Name and address of all persons owning or claiming an interest in said property;
- (3) Posted names of any abutting streets, roads, highways, etc.

- (4) Sketch of property showing dimensions of tract and approximate location of the sign(s);
  - (5) The exact dimensions of the sign or display;
  - (6) The materials to be used in the construction, erection, maintenance or repair;
  - (7) The name, address and telephone number of the applicant or applicant's agent;
  - (8) Estimated construction costs, including costs of installation, and
  - (9) Any other information applicant deems appropriate in support of the application.
- B. Once an application has been reviewed by the Building Inspector and the said sign is in compliance with this Ordinance, the sign permit can be approved by the Board of Mayor and Aldermen. However, if for some reason the sign is not in conformance, the matter will be brought before the Board of Zoning Appeals for review and consideration.
- C. Upon the application for a permit, there shall be required the payment of a one-time nonrefundable inspection fee of Ten (\$10.00) Dollars to the City Recorder. Upon approval of the application for permit by the Mayor and Aldermen as hereinabove set forth, the City Recorder shall collect from the applicant at the time of issuance a one-time fee calculated by multiplying the total square feet by the sum of .60 cents.

Section 5: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

  
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Mayor

Passed on First Reading:	<u>7-6-89</u>
Passed on Second Reading:	<u>8-3-89</u>
Passed on Third Reading:	<u>9-7-89</u>

ORDINANCE NO. 66

AN ORDINANCE TO AMEND ORDINANCE NO. 30  
RELATIVE TO WHO SHALL BE ELIGIBLE TO  
RUN FOR AND HOLD OFFICE IN THE TOWN OF  
KIMBALL, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen have heretofore enacted Ordinance Number 30 to regulate who shall be eligible to run for and hold elected office in the Town of Kimball; and

WHEREAS, it appears that certain provisions of Ordinance Number 30 do not advance or are not necessary to protect the best interests and public welfare of the Town of Kimball and its citizens; and

WHEREAS, it has come to the attention of the Board of Mayor and Aldermen that said provisions are in conflict with the Charter of the Town of Kimball; and

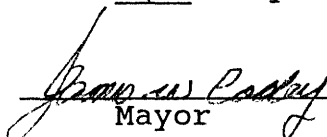
WHEREAS, the Board of Mayor and Aldermen, after giving the matter great concern and deliberation, have determined that Ordinance Number 30 should be amended as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

SECTION 1: Section 2 of Ordinance Number 30 regarding property ownership by elected officials is deleted in its entirety.

SECTION 2: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 2 day of November, 1989.

  
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Mayor

Passed on first reading: Oct. 5, 1989  
Passed on second reading: Nov. 2, 1989  
Passed on final reading: Nov. 2, 1989

ORDINANCE NO. 67

AN ORDINANCE TO AMEND ORDINANCE NO. 22 RELATIVE TO THE ADOPTION OF THE SOUTHERN STANDARD BUILDING CODE BY THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen have heretofore enacted Ordinance Number 22 to adopt the Southern Standard Building Code, 1973 edition, for application within the corporate limits of the Town of Kimball, Tennessee; and

WHEREAS, it has been determined by the Board of Mayor and Aldermen that Ordinance Number 22 should be amended to reflect the Revised, 1990 edition of the Southern Standard Building Code; and

WHEREAS, it is the purpose of this Ordinance to amend the existing Town of Kimball Ordinance Number 22 to so reflect.

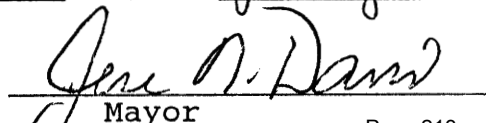
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Section 1 of Ordinance Number 22 be and the same is hereby deleted in its entirety and in lieu thereof is substituted the following:

Section 1: Building Code Adopted. Pursuant to authority granted by Sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Southern Building Code, 1990 Edition, and all subsequent amendments, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this Ordinance and is hereinafter referred to as the Building Code.

SECTION 2: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 4<sup>th</sup> day of January, 1990.

  
Mayor

Passed on first reading: 12-7-89  
Passed on second reading: 1-4-90



ORDINANCE NO. 68

AN ORDINANCE TO AMEND ORDINANCE NO. 21 RELATIVE TO THE ADOPTION OF THE SOUTHERN STANDARD HOUSING CODE BY THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen have heretofore enacted Ordinance Number 21 to adopt the Southern Standard Housing Code, 1973 edition, for application within the corporate limits of the Town of Kimball, Tennessee; and

WHEREAS, it has been determined by the Board of Mayor and Aldermen that Ordinance Number 21 should be amended to reflect the Revised, 1990 edition of the Southern Standard Housing Code; and

WHEREAS, it is the purpose of this Ordinance to amend the existing Town of Kimball Ordinance Number 21 to so reflect.

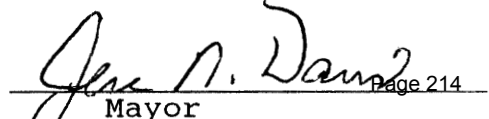
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Section 1 of Ordinance Number 21 be and the same is hereby deleted in its entirety and in lieu thereof is substituted the following:

Section 1: Housing Code Adopted. Pursuant to authority granted by Sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Southern Standard Housing Code, 1990 Edition, and all subsequent amendments, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this Ordinance and is hereinafter referred to as the Housing Code.

SECTION 2: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 15<sup>th</sup> day of March, 1990.

  
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Mayor

Passed on first reading: 2-1-90  
Passed on second reading: 3-1-90

ORDINANCE NO. 69

AN ORDINANCE TO AMEND ORDINANCE NO. 23 RELATIVE TO THE ADOPTION OF THE NATIONAL ELECTRICAL CODE BY THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen have heretofore enacted Ordinance Number 23 to adopt the National Electrical Code, 1973 edition, for application within the corporate limits of the Town of Kimball, Tennessee; and

WHEREAS, it has been determined by the Board of Mayor and Aldermen that Ordinance Number 23 should be amended to reflect the Revised, 1990 edition of the National Electrical Code; and

WHEREAS, it is the purpose of this Ordinance to amend the existing Town of Kimball Ordinance Number 23 to so reflect.

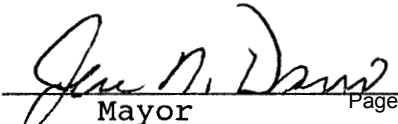
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Section 1 of Ordinance Number 23 be and the same is hereby deleted in its entirety and in lieu thereof is substituted the following:

Section 1: Electrical Code Adopted. Pursuant to authority granted by Sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code, 1990 Edition, and all subsequent amendments, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this Ordinance and is hereinafter referred to as the Electrical Code.

SECTION 2: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 1st day of March, 1990.

  
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Mayor Page 215

Passed on first reading: 2-1-90  
Passed on second reading: 3-1-90

ORDINANCE NO. 70

AN ORDINANCE TO PROHIBIT THE POSSESSION AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON OR IN PROPERTY OWNED BY THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen has determined that it is in the best interest of the general welfare, safety and health of the citizens and residents of the Town of Kimball, Tennessee, to prevent the consumption or possession of alcoholic beverages by any person on or in the property of the Town of Kimball, Tennessee; and

WHEREAS, the continued use and enjoyment of the Town's recreational and community facilities for all citizens and residents is an important concern of the Board of Mayor and Aldermen; and

WHEREAS, it is the purpose of this Ordinance to prohibit the possession or consumption of alcoholic beverages on Town property so as to preserve the continued use and enjoyment of Town property as described herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

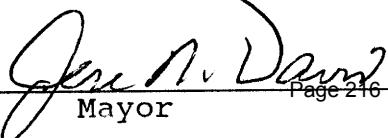
SECTION 1: From and after this date it shall be unlawful for any person to possess or consume any alcoholic beverage on or in the premises of any property belonging to the Town of Kimball, Tennessee. Said prohibition shall apply to both open and closed containers of alcoholic beverages.

SECTION 2: Any person found to be in violation of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be fined an amount not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars for each offense. The Municipal Judge may also order the suspension of privileges of such convicted violators to use the Town's recreational and community facilities.

SECTION 3: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 1st day of March, 1990.

  
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Mayor Page 216

Passed on first reading: 2-1-90  
Passed on second reading: 3-1-90

ORDINANCE NO. 71

AN ORDINANCE TO ESTABLISH COURT COSTS FOR  
THE MUNICIPAL COURT OF THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, it has been pointed out by the Chief of Police of the Town of Kimball that the court costs presently charged are insufficient to meet the needs of the Police Department in the administration of justice; and

WHEREAS, it has been determined by the Board of Mayor and Aldermen that in addition to the fines and penalties as authorized by the laws of the Town of Kimball for the violation of certain Ordinances, that the court costs should be increased to be comparable to those charged by the General Sessions Court of Marion County, Tennessee, for similar work in State cases; and

WHEREAS, it is the purpose of this Ordinance to create a law to so reflect.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: Imposition of fines, penalties and costs. All fines and costs shall be imposed and recorded by the municipal judge on the municipal court docket. Upon a finding of guilt, penalties and fines shall be imposed by the municipal judge at his discretion in accordance with the provisions of the ordinances of the Town of Kimball. On all cases heard by him, the municipal judge shall tax in the bill of costs, which costs shall be determined as of the date of trial before the municipal judge.

There shall be a maximum amount of court costs assessable of \$50.00, which shall include the amount of litigation tax required to be remitted by the Town to the State, which is currently \$11.25. The balance of \$38.75 will be referred to as the Town's litigation fee.

The municipal judge may at the trial of the case for good cause shown suspend a fine and/or costs, but may at a subsequent date, upon violation of the terms of such suspension, reinstate such fines and/or costs.

Section 2. Severability Clause. Should any part(s) of this ordinance be declared invalid for any reason, no other part(s) of this ordinance shall be affected thereby.

Section 3. Effective Date. All ordinances and part(s) of ordinances in conflict with this ordinance shall be hereby repealed; and the provisions of this ordinance shall stand in lieu thereof; and this ordinance shall take effect from and after its passage on third and final reading.

James W. Cooley  
Mayor

ATTEST:

Nancy J. Stephens  
Recorder

Passed on 1st reading	<u>3-1-90</u>
Passed on 2nd reading	<u>4-5-90</u>
Passed on 3rd reading	<u>5-3-90</u>

ORDINANCE NO. 72

AN ORDINANCE TO ADOPT FIRE CODES FOR  
APPLICATION WITHIN THE LIMITS OF THE  
TOWN OF KIMBALL, TENNESSEE

WHEREAS, it has come to the attention of the Board of Mayor and Aldermen that a Fire Code is needed for fire safety and prevention within the corporate limits of the Town of Kimball, Tennessee; and

WHEREAS, it has been determined by the Board of Mayor and Aldermen that the Southern Building Code Fire Inspection Code and the National Fire Prevention Association Life Safety Code, 1988 editions, and all subsequent amendments, should be adopted as the official fire codes for the Town of Kimball; and

WHEREAS, it is the purpose of this Ordinance to so adopt the Southern Building Code Fire Inspection Code and the National Fire Prevention Association Life Safety Code, 1988 edition, and all subsequent amendments, as the official fire codes of the Town of Kimball, Tennessee.

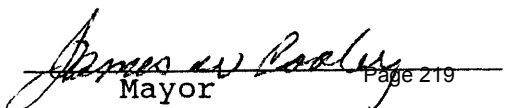
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: Fire Codes Adopted. Pursuant to authority granted by Sections 6-54-501 through 6-54-506 of the Tennessee Code Annotated and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from fire and for fire prevention and safety, or for other purposes, the Southern Building Code Fire Inspection Code and the National Fire Prevention Association Life Safety Code, 1988 editions, and all subsequent amendments, are hereby adopted and incorporated by reference as a part of this Ordinance and are hereinafter referred to as the Fire Codes.

SECTION 2: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 1990.

  
Mayor Page 219

Passed on first reading: 4/5/90  
Passed on second reading: 6-9-90

ORDINANCE NO. 73

AN ORDINANCE TO AMEND ORDINANCE NO. 56 -  
SUBDIVISION REGULATIONS - OF THE TOWN OF  
KIMBALL, TENNESSEE, PARTICULARLY THE PORTION  
OF SAID ORDINANCE AS SET FORTH UNDER SECTION 9.05

WHEREAS, the subdivision regulations of the Town of Kimball provide that the developer of a subdivision must pave the new roads using either asphalt concrete surface cover (hot mix) or double bituminous surface treatment (tar and chip); and

WHEREAS, the Board of Mayor and Aldermen have determined after thorough consideration and with the recommendation of the Planning Commission that it is in the best interest of the community to have asphalt streets within residential neighborhoods.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball:

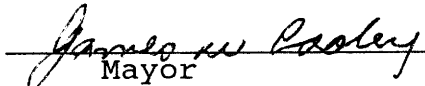
SECTION 1: That the subdivision regulations of the Town of Kimball be amended for the purpose of deleting the double bituminous surface treatment option and hereafter require that all new subdivision streets shall be paved using asphalt concrete surface cover (hot mix).

SECTION 2: This asphaltic concrete surface shall be constructed with asphaltic concrete compacted to two (2) inches with not less than an average weight of two hundred (200) pounds per square yard.

SECTION 3: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: This Ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 8 day of June, 1990.

  
\_\_\_\_\_  
Mayor

Passed on first reading: 4-5-90  
Passed on second reading: 5-3-90

ORDINANCE NO. 74

AN ORDINANCE TO AMEND ORDINANCE NUMBERS 36  
AND 43 RELATIVE TO THE PROPERTY TAX RATE  
FOR THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, on September 27, 1982, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, held a special meeting for the purpose of setting a property tax rate for the Town of Kimball, Tennessee; and

WHEREAS, at said meeting, the Board of Mayor and Aldermen voted to establish said property tax rate at \$0.25 on each \$100.00 of assessed valuation; and

WHEREAS, it has now come to the attention of the Board of Mayor and Aldermen that said property tax rate was never established by Ordinance, and it now the intention of the Board of Mayor and Aldermen to establish said tax rate by Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: Ordinance Number 36, Section 2, and Ordinance Number 43, Section 1, are deleted in their entirety, and in lieu thereof, the following language is substituted:

The property tax rate in the Town of Kimball, Tennessee, shall be \$0.25 per each \$100.00 of assessed property valuation.

SECTION 2: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: This Ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 8 day of June, 1990.

James W. Prober  
Mayor

Passed on first reading: 4-5-90

Passed on second reading: 5-7-90



ORDINANCE NO. 75

AN ORDINANCE TO AMEND ORDINANCE NUMBERS 59, 60, 63, AND 65  
RELATIVE TO THE REGULATIONS OF SIGNS WITHIN THE  
CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Kimball Municipal Planning Commission has recommended to the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that its Zoning Ordinance be amended as more particularly set forth hereinafter; and

WHEREAS, the Board of Mayor and Aldermen, after giving the matter great concern and deliberation and after holding a public hearing relative to same, has determined that the Municipal Code should be amended and added to for the purpose of establishing a reasonable and impartial method of regulating advertising signs in order to ensure light, air and open space; to reduce traffic hazards and to protect property values of the entire community while simultaneously encouraging creative and imaginative design in order to create a more attractive economic and business environment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

Section 1: Ordinance Numbers 59, 60, 63, and 65, the present Sign Ordinance and amendments are deleted in their entirety, and in lieu thereof, the following language is substituted:

Definitions Relating to On-Premise Signs. For the purpose of this Ordinance and where otherwise made applicable by reference, the following definitions shall apply:

Attached Sign. Attached sign shall mean an on-premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen (18) inches from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen (18) inches from the building, canopy, awning, marquee or mechanical equipment shall be considered a "Projecting Sign".

Awning. Awning shall mean a roof-like cover providing protection from the weather placed over or extending from above any window, door or other entrance to a building but excluding any column, pole or other supporting structure to which the awning is attached.

Balloon Sign. Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

Banner. Banner shall mean an on-premise sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.

Billboard. Any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

Building. Building shall mean any structure that encloses a place for sheltering any occupancy that contains not less than three hundred (300) square feet of enclosed space at the ground level or is routinely used for human occupancy in the ordinary course of business.

Canopy. Canopy shall mean a marquee or permanent roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

Construction Sign. Construction sign shall mean any temporary on-premise sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of one hundred (100) square feet in sign area.

Detached Sign. Detached sign shall mean (1) any Freestanding or Projecting sign, (2) any sign attached to a canopy which is detached from a building and which has less than two hundred (200) square feet of roof area, and (3) any sign attached to a structure which is not a building.

Facade. Facade shall mean the total external surface area of a vertical side of a building, canopy, awning or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same direction, or within twenty-five (25) degrees of the same direction, shall be considered as part of a single facade. Additionally, any portion of the surface face of a

mansard, parapet, canopy, marquee or awning which is oriented in the same direction (or within twenty-five (25 ) degrees of the same direction) as the wall to which, or over which, such mansard, parapet, canopy, marquee, or awning is mounted shall be deemed a part of the same facade as such wall.

Freestanding Sign. Freestanding sign shall mean a permanently affixed single or multi-faced on-premise sign which is constructed independent of any building and supported by one or more columns, uprights, braces or constructed device.

Height. Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate the "sign area".

Incidental Sign. Incidental sign shall mean an on-premise sign, emblem or decal mounted flush with the facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

Landmark Sign. Landmark sign shall mean any on-premise which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a Certified Historic Structure, is listed as a National Monument or is listed under any similar state or national historical or cultural designation.

Mansard. Mansard shall mean the lower portion of a roof with two pitches, including a flat-top roof with a mansard portion.

Mansard Sign. Mansard sign shall mean any sign attached to the mansard portion of a roof.

Marquee. Marquee shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Message Center. Message Center shall mean a sign on which the message or copy changes automatically on a lamp bank or through mechanical means also known as a Commercial Electronic Variable Message Sign.

Occupant. Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises.

Off-Premise Sign. Off-premise sign shall mean any sign which is not an on-premise sign.

On-Premise Sign. On-premise sign shall mean any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease or construction of those premises.

Person. Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

Premises. Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor.

Portable Sign. Portable sign shall mean any on-premise sign which is not affixed to real property in such a manner that its removal would cause serious injury or material damage to the property and which is intended to be or can be removed at the pleasure of the owner, including without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs.

Projecting Signs. Projecting sign shall mean an on-premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance of more than eighteen (18) inches, provided, however, that no projecting sign shall extend horizontally from the building more than eight (8) feet at the greatest distance.

Reader Board. Reader board shall mean any on-premise sign attached to or made a part of the support system of a Freestanding Sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside", "Tune-Ups Available", "Year-End Special" and the like.

Roof Sign. Roof sign shall mean an attached or projecting sign (1) which is placed on top of or over a roof, excluding the mansard portion of a roof or so attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers or other

mechanical equipment on top of a roof, (2) any portion of which extends above the top of the wall, canopy or awning to which such sign is attached, or (3) any portion of which extends above the top of the mansard in the case of a mansard sign.

Sign. Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to or painted or represented on any land, on any building or structure, on the outside of a window or on an awning, canopy, marquee or similar appendage and which displays or includes any message or messages, numeral, letter work, model, emblem insignia, symbol, device, light, trademark or other representation used as or in the nature of an announcement, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, community, product, service, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

- (1) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body including but not limited to, traffic or similar regulatory devices, legal notices or warnings at railroad crossings.
- (2) Signs located inside a building.
- (3) Memorial plaques or tablets.
- (4) Gravestones.
- (5) Inside faces of scoreboard fences or walls on athletic fields.
- (6) Historical site plaques.
- (7) The display of street numbers.
- (8) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited.

Snipe Sign. Snipe sign shall mean any on-premise sign for which a permit has not been issued which is attached in any way to a utility pole, tree, rock, fence or fence post.

Special Event. Special event shall mean a short-term event of unique significance not in excess of thirty (30) days; such term shall include only grand openings, health-related promotions or health-related service programs (i.e. flu shot clinics, blood donation promotions, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity events, festivals, religious celebrations and charity fundraisers and shall not include other sales or promotions in the ordinary course of business.

Temporary Sign. Temporary sign shall mean any on-premise sign permitted specifically and exclusively for a temporary use as allowed under the provisions of this Ordinance.

Unused Signs. Any sign that has not displayed a message or messages for more than ninety (90) days or is not kept in good structured repair such that the sign could pose a risk to public health or safety.

Wall Graphics or Wall Murals. Wall graphic or wall murals shall mean a painted scene, figure or decorative design so as to enhance the building architecture and which does not include written trade names, advertising or commercial messages.

Width. Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area".

**Section 2: Sign Controls.** The following regulations apply to on-premise signs in the districts hereinafter set forth:

**A. Residential District (R)**

(1) Signs accessory to professional and home occupations conducted in a dwelling are permitted provided that the surface display area on one (1) side of the sign does not exceed two (2) square feet.

(2) No more than one (1) sign shall be erected for each permitted use on the premises.

(3) Real Estate signs are permitted.

(4) No other signs are permitted.

**B. Highway Commercial District (C-2)**

(1) Attached signs are permitted provided said signs:

a. do not exceed 20% of the area of the building face to which the sign is to be erected;

b. are not mounted, attached or painted to the building's roof or extend above the building's roof line.

- c. are not mounted, attached or painted to the building's wall (not the primary face of the building) with the exception of signs that specifically identify the business by name.

(2) Ground signs are permitted provided said signs:

- a. do not exceed 900 square feet and that no one sign can be larger than 600 square feet.
- b. are setback ten (10) feet from the public right-of-way. This measurement is taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign. For each additional foot of setback, one (1) foot in height is required up to a thirty (30) feet maximum height from bottom of sign.
- c. are not higher than sixty (60) feet from the finished grade except as provided in Section 4, D (6).
- d. are spaced so that they are not closer than fifty (50) feet to another ground sign.
- e. do not exceed three (3) signs per tract of property.

(3) Real Estate signs are permitted.

- (4) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding 32 square feet in area and identifying the contractors, engineers/architects and federal, state, or local agency, if any, involved, which signs shall be removed immediately upon completion of the construction.

C. Industrial District (I-1)

(1) Attached signs are permitted provided said signs:

- a. do not exceed 20% of the area to the building's face to which is to be erected.
- b. are not attached, mounted or painted to the building's roof or extended above the building's roof line. Page 228

(2) Ground signs are permitted provided said signs:

- a. are setback 10 feet from the public right-of-way. This measurement is to be taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign.
- b. are spaced so that they are no closer than 50 feet to one another.

(3) Real Estate signs are permitted.

(4) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding 32 square feet in area and identifying the contractors, engineers/architects and federal, state or local agency, if any involved, which signs shall be removed immediately upon completion of the construction.

(5) Aggregate display surface area of all signs shall not exceed 1,000 square feet.

\* (6) Billboard are permitted only in the Industrial District provided said signs:

- a. Are not larger than 775 square feet in surface display area.

D. All signs hereafter erected in any district shall also comply with the following regulations:

(1) Signs painted or pasted directly on the structures shall be counted against the aggregate display surface area allowed.

(2) Signs incorporating any noisy mechanical devise are expressly prohibited.

(3) No sign or part thereof shall contain or consist of banners, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices for over 30 days. These may be used as part of a new business's grand opening celebration on a temporary basis for a period not to exceed 30 days.



- (4) Illuminated signs and outside lighting devices, including beacons and spotlights, shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating, or moving light or lights, except message center signs. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit focused light to be directed or beamed upon a public street, highway, sidewalks, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance. Bare bulbs may be used on signs only when they are used as an integral part of the sign or as a message center sign and provided that the maximum wattage of the bulb shall not exceed seventy-five (75) watts.
- (5) No sign or any type of any foundation or support, therefore shall be placed in or on any dedicated street or highway right-of-way, or in any utility and drainage easement. No part of a sign may extend over the right-of-way.
- (6) No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof. The bottom of the sign shall not be lower than 12 feet except for ground signs larger than 100 square feet shall not be lower than 30 feet.
- (7) Signs are prohibited which contain or are an imitation of an official traffic signal or contain the words "stop", "go", "slow", "caution", "danger", "warning", or similar words, when used in such a manner that the same may be mistaken or confused with an official sign.
- \* (8) No new billboards shall be erected within the corporate limits, except as allowed in the Industrial District (I-1).
- (9) The setback refers to any portion of the sign or its supports.
- (10) In computing the area of all signs permitted under this Ordinance, the same shall be computed as follows:
  - a. The supports or uprights and covering thereon on which a sign is supported shall not be included in the display surface area of a sign.

- b. When two signs of the same shape and dimensions are mounted or displayed back to back and parallel, only one such face shall be included in computing the total display surface area of the sign.
  - c. The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be the sum of the net area of each letter. Area of letters equals shaded area only.
  - d. The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline shall be the total area of the sign including the background, box or outline.
  - e. The display surface area of a multi-faced sign shall be one-half (1/2) of the sum of all surface area forming a part of the display.
- (11) Any sign legally in existence at the time of the effective date of this ordinance may be continued in use despite any non-conformity with these provisions; if such non-conforming sign is removed or altered by act of God, vandalism or accident, it may be restored to its former condition; if such non-conforming sign needs to be changed, painted or relettered by reason of change of business, the same may be done; if such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced or re-erected.
- (12) In any zoning district, in addition to the regulations contained herein, and to the extent they do not conflict with the same, those regulations contained within Chapter 23 "Signs and Outdoor Displays", of the Southern Standard Building Code, 1988 edition shall apply.

Section 3: Billboards, except as provided in C(6) above, and any other outdoor advertising structures not herein expressly allowed, including, but not limited to portable or movable temporary signs, illuminated or otherwise, are expressly prohibited.

Section 4: Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts thereof shall be severable and shall continue to be in full force and effect.

**Section 5: Removal of non-conforming temporary signs:**

- A. For on-premise signs, any occupant as defined in Section 1, who applies for a new sign permit for any on-premise sign, including detached, attached, and temporary signs, shall be required to either remove all non-conforming temporary signs and devices on the area of the property occupied by such occupant or to bring such non-conforming temporary signs into conformance with the provisions of this Ordinance before any new permit may be issued.
- B. Notwithstanding any other provision of this Ordinance, any person using a portable or temporary sign, balloon sign or banner for which a temporary sign permit must be obtained on the effective date of this Ordinance must obtain a temporary sign permit within sixty (60) days of the effective date of this Ordinance and thereafter may use temporary signs only in accordance with this Ordinance.

**Section 6: Temporary signs.** Banners, portable signs, balloon signs, and other such temporary signs shall be allowed on-premise for certain temporary uses only. A temporary sign permit shall be required prior to placement or erection of such sign or banner. Each occupant or a premises shall be entitled to obtain a temporary sign permit. Any such temporary permit shall be issued only in accordance with the following rules and regulations. Off-premise use of any temporary sign is expressly prohibited.

- A. **Permit Fee and Display of Permit.** A permit fee of \$15.00 shall be charged for the issuance of each temporary sign permit and, upon issuance, such temporary sign permit shall be securely affixed to and readily viewable on the temporary sign.
- B. **Limit on Use of Temporary Signs.** No occupant shall be eligible for issuance of a temporary sign permit for more than a total of 105 days during any calendar year and no occupant shall be allowed to use more than one (1) temporary sign. The distribution of fees shall be \$10.00 to the City Recorder and \$5.00 to the Building Inspector.
- C. **Time Limit for Display of Temporary Signs.** All temporary sign permits shall state an effective date and an expiration date; such permits shall be issued for only fifteen (15) or thirty (30) day increments. Any temporary sign and its supporting structure permitted

under this section shall be removed at or before midnight of the expiration date on the temporary sign permit notwithstanding any other provision of this Ordinance, unless the temporary sign permit for such sign is renewed as set forth herein. No occupant may obtain a temporary sign permit until the expiration of thirty (30) days from the end of such occupant's last temporary sign permit period or renewal period, whichever is later.

- D. **Site and Placement of Temporary Signs.** No temporary sign shall exceed one hundred (100) square feet in sign area. No temporary sign shall be placed closer than ten (10) feet to any public right-of-way, and no temporary sign may be placed in any parking space.
- E. **Renewal of Permit.** A fifteen (15) day temporary sign permit may be renewed once for an additional consecutive fifteen (15) day period; such renewal may be made by telephoning or visiting the Town Recorder's Office prior to the expiration date of the initial permit, and no fee shall be charged for such renewal. A permit originally issued for a thirty (30) day period shall not be renewable.
- F. **Removal of Temporary Signs.** Notwithstanding any provisions of this Ordinance to the contrary, the Building Inspector and such other official as the Town shall designate, including the Chief of Police, shall, upon ascertaining a violation of the provisions of this Section, cause a written notice to correct such violation to be served upon the offender or his agent and upon the owner or occupant of the premises if different from the offender. Such notice shall require action to stop the violation within not less than 24 nor more than 48 hours from the time of such notice. If said violation is not corrected within said time citation to City Court to such offender. Upon shall be fined up to a maximum of \$50.00 and court costs per each offense, and each day of non-compliance with this Section beyond the 48 hour notice period described herein shall be deemed a separate offense.

## Section 7: Permit Procedures for On-Premise Signs.

A. Before any person shall erect, construct, maintain or place any sign permitted by this Ordinance to be constructed, erected, placed or maintained, such person shall submit a sign application to the Town Recorder. During a ten (10) day period prior to the regularly-scheduled monthly planning commission meeting, the Building Inspector shall inspect the location and plans for said sign for compliance to this Ordinance. The sign application shall include but not necessarily be limited to the following information:

- (1) Location of property.
- (2) Name and address of all persons owning or claiming an interest in said property.
- (3) Posted names of any abutting streets, roads, highways, etc.
- (4) Sketch of property showing dimensions of tract and approximate location of the sign(s).
- (5) The exact dimensions of the sign or display.
- (6) The materials to be used in the construction, erection, maintenance or repair.
- (7) The name, address and telephone number of the applicant or applicant's agent.
- (8) Estimated construction costs, including costs of installation, and
- (9) Any other information application deems appropriate in support of the application.

B. Once an application has been reviewed by the Building Inspector and the said sign is in compliance with this Ordinance, the sign permit can be approved by the Board of Mayor and Aldermen. However, if for some reason the sign is not in conformance, the matter will be brought before the Board of Zoning Appeals or review and consideration.

- C. Upon the application for a permit, there shall be required the payment of a one-time non-refundable inspection fee of \$10.00 to the Town Recorder. Upon approval of the application for permit by the Mayor and Aldermen as hereinabove set forth, the Town Recorder shall collect from the applicant at the time of issuance a one-time fee calculated by multiplying the total square feet by the sum of .60 cents.
- D. The construction, erection, maintenance, placement, repair or alteration of any sign, outdoor display or advertisement without compliance with the requirements of this Ordinance shall subject the violator to a fine of \$50.00 and court costs. For the purpose of this Ordinance, each day a violation exists shall be deemed a separate offense.

Any person charged with a violation of this Ordinance shall be cited to appear before the City Court by the Town of Kimball by the Building Inspector or the Chief of Police. Should the accused be found guilty of a violation or violations of this Ordinance, the City Judge shall impose the fines herein set forth, it being the express intent of the Mayor and Board of Aldermen that the fine cannot be waived, reduced or in any manner forgiven.

In addition to the fine and costs, which shall be assessed upon a finding of guilty, the Court is further empowered to direct the removal of the sign to be in effect no later than ten (10) days from the date of hearing.

Section 8. This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

James W. Cooley  
Mayor

Passed on First Reading: 5/29/90  
 Passed on Second Reading: 5/31/90  
 Passed on Third Reading: \_\_\_\_\_

ORDINANCE NO. 116

AN ORDINANCE TO ADOPT VARIOUS STANDARD CODES RELATIVE TO INSPECTION ACTIVITIES OF THE TOWN OF KIMBALL, TENNESSEE, AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES.

SECTION 1: WHEREAS, it is the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to adopt, in all respects, the various Standard Codes relative to amusement devices, building, fire prevention, gas, grading, housing, mechanical, plumbing and swimming pools and

WHEREAS, the adoption of these Codes is done to facilitate proper inspection activities by the Town of Kimball, Tennessee, relating to construction and to maintenance of buildings within the corporate limits of said Town and relating to public safety, health and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the following Codes are hereby adopted by reference as though they were copied herein fully:

Standard Amusement Device Code - 1985 Edition  
 Standard Building Code - 1988 Edition  
 Standard Excavation and Grading Code - 1975  
 Edition  
 Standard Existing Buildings Code - 1988 Edition  
 Standard Fire Prevention Code - 1988 Edition  
 Standard Gas Code - 1988 Edition  
 Standard Housing Code - 1988 Edition  
 Standard Mechanical Code - 1988 Edition  
 Standard Plumbing Code - 1988 Edition  
 Standard Swimming Pool Code - 1985 Edition  
 Standard Unsafe Building Abatement Code -  
 1985 Edition

SECTION 2: BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen that any matters in said Codes which are contrary to exiting Ordinances of the Town shall prevail and, to that extent, any existing Ordinances to the contrary are hereby repealed in that respect only.

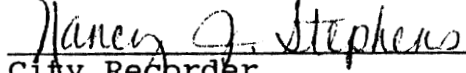
SECTION 3: BE IT FURTHER ORDAINED that within said Codes when reference is made to the duties of certain officials named therein that designated official of the Town of Kimball who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official insofar as enforcing the provision of said Code are concerned.

SECTION 4: BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in force from and after its passage as required by law, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on the 1 day of Nov., 1990.

  
\_\_\_\_\_  
Mayor James W. Cooley

ATTEST:

  
\_\_\_\_\_  
City Recorder

Passed on first reading: 10-5-90

Passed on second reading: 11-1-90



ORDINANCE NO. 77

AN ORDINANCE TO AMEND ORDINANCE NO. 56 OF THE  
TOWN OF KIMBALL PERTAINING TO WATER SERVICE  
IN NEW SUBDIVISION DEVELOPMENTS

WHEREAS, the Town of Kimball is committed to regulating the growth and development of the community as as not to place undue financial hardship on its residents, and

WHEREAS, the Town adopted Ordinance No. 56, generally known as the Kimball Subdivision Regulations, in 1986, to insure that the cost of development was borne by the developer, and

WHEREAS, the Town also desires that its residents have adequate fire protection, and

WHEREAS, the planning commission for the Town of Kimball, inaccordance with the Tennessee Code Annotated, Title 13, Chapter 4, has reviewed and approved the following amendment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

SECTION 1: Section 9.07 of the Kimball Subdivision Regulations is hereby deleted in its entirety, and in lieu thereof, the following language is substituted:

Water mains and appurtenances -- properly connected to the appropriate public water system and approved by this water system and the city -- shall be constructed in each subdivision. The water service provided must be adequate both for the domestic use and fire protection of all lots, i.e. a minimum size six (6)" water line.

Construction of water lines and appurtenances shall be subject at all times to the inspection and approval of said public water system and the Town of Kimball. If there is a cost for inspections, this cost will be borne by the subdivider. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the water system involved.

The entire cost of installing the required water supply system -- including the connection to the existing water supply and including but not limited to the cost of pipe, valves, fittings, trenching, backfilling, and further including the installation of a three (3) way w/a 4.5 opening fire hydrant, and services shall be borne by the subdivider.

SECTION 2: Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: This Ordinance shall take effect from and after its passage.

Passed on final reading on the 6 day of December, 1990.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Recorder

Passed on 1st reading: 11-1-90  
Passed on 2nd reading: 11-8-90  
Passed on 3rd reading: 12-6-90

AN ORDINANCE TO AMEND ORDINANCE NUMBERS 2, 11 AND 28 RELATIVE TO THE ON-PREMISE AND THE OFF-PREMISE SALE OF BEER OR OTHER BEVERAGES OF LIKE ALCOHOLIC CONTENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has determined that a complete uniform ordinance regarding the sale of beer or other beverages of like alcoholic content is necessary for the proper and reasonable application of the laws pertaining to said sales; and

WHEREAS, the passage of such a uniform ordinance is necessary for the public safety, health and general welfare of the residents and business operators of the Town of Kimball, Tennessee.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, State of Tennessee:

SECTION 1: Ordinance Numbers 2, 11 and 28, the present Beer Ordinance and amendments, are deleted in their entirety, and in lieu thereof, the following provisions are substituted:

SECTION 2: There is hereby created a Board to be known as the Beer Board of the Town of Kimball, Tennessee, said Board to consist of the Mayor and Aldermen of said Town. Said Beer Board shall be vested with full and complete authority to issue, suspend and/or revoke permits for the sale of beer or other beverages of like alcoholic content (hereinafter referred to as beer and referring to all such beverages) within the corporate limits of the Town of Kimball, Tennessee.

SECTION 3: After the passage of this Ordinance, all persons, firms, corporations or associations who shall hereafter desire to sell, store and/or manufacture beer for on-premise or off-premise consumption shall apply in writing to said Beer Board on a form prescribed by said Board for a permit to store, sell and/or manufacture beer within the corporate limits of the Town of Kimball, Tennessee. Upon filing such application with the Chairman of the Beer Board, it shall be carefully examined, and the action of the Beer Board thereon shall be kept in writing as a part of the regular proceedings of said Board. Upon favorable action by the Beer Board on an application submitted to said Board, a permit for on-premise or off-premise sales shall be issued to the applicant.

SECTION 4: After the passage of this Ordinance, it shall be unlawful for any person, firm, corporation or association to store, sell, manufacture or distribute beer within the corporate limits of the Town of Kimball, Tennessee, without first having obtained a permit lawfully issued by the Beer Board in the manner prescribed herein.

SECTION 5: Each applicant granted a permit to sell, manufacture or distribute beer as provided herein shall, before engaging in such sale, manufacture or distribution, secure from the Town of Kimball, Tennessee, a license as provided in Tennessee Code Annotated Section 57-5-108.

SECTION 6: It shall hereafter be unlawful for any person, firm, corporation or association to sell or distribute beer for on-premise consumption within the corporate limits of the Town of Kimball, Tennessee, between the hours of 12:00 midnight and 6:00 A.M. on weekdays and Saturdays, and between the hours of 12:00 midnight and 12:00 noon on Sundays.

The sale of beer for off-premise consumption shall be allowed twenty-four (24) hours per day, seven days per week, by all properly permitted and licensed persons, firms, corporations or associations, within the corporate limits of the Town of Kimball, Tennessee.

SECTION 7: No beer permit authorizing the sale of beer shall be issued when such sales would cause congestion of traffic or would interfere with schools, churches, or other public health, safety and welfare concerns. In no event shall a permit be issued authorizing the storage, sale or manufacture of beer at places located within one thousand (1,000) feet of any school, church or other similar place of public gathering. Said measurement shall be made along the nearest highway or street right of way.

SECTION 8: It shall be unlawful for any permit holder to allow any loud, unusual or obnoxious noises to emanate from said permit holder's premises.

SECTION 9: It shall be unlawful for any beer permit holder to make or allow any sale or other distribution of beer to any person under twenty one (21) years of age. The burden of ascertaining the age of a potential purchaser shall rest solely upon the permit holder.

SECTION 10: It shall be unlawful for any beer permit holder to allow any minor person under eighteen (18) years of age to loiter in or about the permit holder's place of business. The burden of ascertaining the age of such persons shall rest solely upon the permit holder. <sup>Page 241</sup>

SECTION 11: It shall be unlawful for any beer permit holder to make or allow any sale of beer to any intoxicated, feeble-minded, insane or otherwise mentally-incapacitated person. The burden of ascertaining the condition of such persons shall rest solely upon the permit holder.

SECTION 12: It shall be unlawful for any beer permit holder to allow drunk or disreputable persons to loiter about the premises of said permit holder. It shall be the permit holder's duty to ascertain the condition and reputation of such persons.

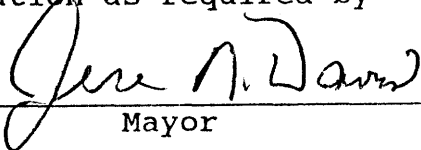
SECTION 13: It shall be unlawful for any beer permit holder to serve, sell or allow the consumption on his/her premises of any alcoholic beverage with an alcoholic content of more than five per cent (5%) by weight.

SECTION 14: It shall be unlawful for any beer permit holder to fail to provide and maintain separate sanitary toilet facilities for men and women.

SECTION 15: The Beer Board shall have the power to revoke any beer permit issued under this Ordinance upon a finding that any of the above Sections have been violated by a permit holder.

SECTION 16: Violations of any provision of this Ordinance shall be deemed a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$20.00 nor more than \$50.00 for each violation. Violation of more than one provision shall be deemed and punishable as separate offenses.

SECTION 17: This Ordinance shall take effect from and after its passage and publication as required by law, the public welfare requiring it.

  
\_\_\_\_\_  
Mayor

Passed on first reading: 11-8-90  
Passed on second reading: 12-6-90  
Passed on third reading: 1-3-91

ORDINANCE NO. 79

AN ORDINANCE TO AMEND THE TOWN OF KIMBALL SEWER USE ORDINANCE TO REQUIRE THE INSTALLATION OF GREASE TRAPS IN SEWER CONNECTIONS TO DESIGNATED BUSINESS AND COMMERCIAL USERS.

WHEREAS, the Town of Kimball has heretofore adopted its Ordinance No. 41 for the regulation of sewer use; and

WHEREAS, said Ordinance was amended by Ordinance No. 50; and

WHEREAS, it has come to the attention of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the existence of untreated grease, grit, oil and lint in the Town's sewer system leads to blockages in said system and causes health, environmental and safety concerns for said Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that Ordinance No. 41, as amended by Ordinance No. 50, be and the same is hereby revised and amended by adding the following provisions thereto:

SECTION 1: Restaurants, laundries, wash racks, vehicle service stations, private multi-user systems, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the Town's sewers or threaten the safety of its employees, shall install and maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the superintendent of the Town's sewer system or the Town's building inspector, and said device shall be constructed in accordance with applicable building codes.

SECTION 2: All sewer users currently in existence who are or may be affected by the provisions of this Ordinance shall have one (1) year from the date of final passage of this Ordinance within which to bring their sewer connections into compliance with this Ordinance, said users to bear the costs of said compliance. Failure to so comply will subject the user's right of access to the Town's sewer system to termination, at the discretion of the Board of Mayor and Aldermen, as well as to any other penalties prescribed in this Ordinance.

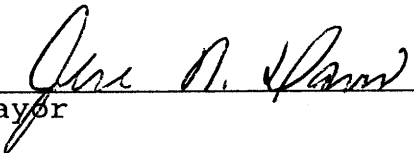
SECTION 3: There shall be conducted a quarterly inspection of all grease traps, lint traps, grit traps, oil traps, oil interceptors, and other similar devices by the building inspector of the Town of Kimball, Tennessee, or such other appropriate official that said Town may designate. Additionally, such other, more frequent inspections of said devices may be conducted by said building inspector or other appropriate official as necessary. All users subject to said inspection shall voluntarily allow access to their systems by said inspector(s) and shall comply with all orders of said inspector(s) regarding maintenance of said devices.

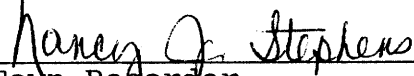
All users subject to the provisions of this Ordinance shall pay an annual inspection fee in the amount of \$100.00, \$60.00 of said amount to be remitted annually by the Town to the building inspector or other designated officials for services rendered in performing said inspections.

SECTION 4: It shall be the sole responsibility of all users affected by this Ordinance to see that their respective devices are pumped yearly or otherwise maintained regularly and at least annually so as to prevent problems due to overflow or blockages caused by failure of said user to properly pump and/or otherwise maintain said device. Failure to so pump and/or maintain said device as prescribed herein shall be deemed a violation of this Ordinance.

SECTION 5: Failure to comply with the provisions of this Ordinance shall be deemed a violation of same and, upon conviction, violators shall be subject to a fine not to exceed \$50.00 and/or the discontinuance of sewer services to said violator. Each separate act of noncompliance with this Ordinance shall be deemed a separate offense for purposes of this section.

SECTION 6: This Ordinance shall take effect from and after its passage on third and final reading, the public welfare requiring it.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Town Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Passed on First Reading 2-7-91, 1991  
Passed on Second Reading 2-28-91, 1991  
Passed on Third Reading 3-7-91, 1991

ORDINANCE NO. 80

WHEREAS, Mr. Jerry Hawthorne, the property owner of territory immediately adjacent to the Town's western boundary has requested that the Town annex his property into the Town's corporate limits; and

WHEREAS, Mr. Jerry Hawthorne is interested in developing the property for industrial use and desires to have municipal services such as fire protection, police protection and land use controls;

WHEREAS, the Town of Kimball Municipal Planning Commission has reviewed an Annexation Feasibility Study and has recommended that this property be annexed, and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the property owner thereof and of this Town as a whole,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee,

Section 1: Pursuant to authority conferred by Section 6-51-102, Tennessee Code Annotated, there is hereby annexed to the Town of Kimball, Tennessee and incorporated within the corporate boundaries thereof the following described territory adjoining the present corporate boundaries on the western side.

All of that property owned by Jerry Hawthorne and designated on the Marion County Assessor of Property's records for the year 1990 as Parcel 1 on Map 118, which consists of 27.57 acres and as further identified by survey prepared by a registered land surveyor with Southern Engineering Company and dated January 22, 1991.

Section 2: Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

Section 3: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same effect this Ordinance.

Section 4: This Ordinance shall become effective thirty (30) days after its final passage.



Passed on final reading on the 2 day of May, 1991.

John P. Davis  
Mayor

Nancy J. Stephens  
Recorder

Passed on 1st reading: Mar. 7, 1991  
Passed on 2nd reading: Apr. 5, 1991  
Public Hearing: May 2, 1991  
Passed on 3rd reading: May 2, 1991

ORDINANCE NO. 81

AN ORDINANCE TO AMEND THE TOWN'S ZONING MAP AND TO CLASSIFY PROPERTY ANNEXED BY ORDINANCE NO. 80

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, annexed and incorporated into the Town of Kimball certain property located on the west side of said Town as is more particularly described in Ordinance No. 80; and

WHEREAS, the Planning Commission for the Town of Kimball, Tennessee, recommended that the area annexed by Ordinance No. 80 be classified as an industrial zone (I-1); and

WHEREAS, Notice of a Public Hearing was duly published in the South Pittsburg Hustler on April 25, 1991, advising the public that a hearing relative to zoning classification of the area annexed by Ordinance No. 80 would be held on Thursday, May 2, 1991, which hearing was so held; and

WHEREAS, the Board of Mayor and Aldermen have determined it to be in the manifest interest of the Town and of the property owner thereof that said property be so classified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

Section 1: That territory annexed by the Town of Kimball, Tennessee, and incorporated within the corporate boundaries thereof by Ordinance No. 80 is hereby designated as an industrial zone (I-1).

Section 2: That the zoning map of the Town of Kimball, Tennessee be amended for the purpose of adding thereto that property annexed and incorporated into the corporate limits by Ordinance No. 80 and so designated as an industrial zone (I-1).

Section 3: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same effect this Ordinance.

Section 4: This Ordinance shall take effect on the 3rd and final reading.

Passed on final reading on the 2<sup>nd</sup> day of May, 1991.

Nancy J. Stephens  
Recorder

Gen. N. Davis  
Mayor

Passed on 1st reading: 4-5-91  
Passed on 2nd reading: 4-18-91  
Public Hearing: 5-2-91  
Passed on 3rd reading: 5-2-91

AN ORDINANCE TO DESIGNATE AN OFFICIAL DEPOSITORY

BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: The Marion Trust and Banking Company, with headquarters in Jasper, Tennessee, is hereby designated as the official depository for funds of the Town of Kimball, Tennessee.

SECTION 2: This Ordinance shall take effect from and after its passage, the welfare of the Town of Kimball requiring it.

Gene N. Davis  
Mayor

ATTEST:

Nancy J. Stephens  
Town Recorder

APPROVED AS TO FORM:

William L. Grogan  
Town Attorney

Passed on First Reading July 11, 1991

Passed on Second Reading Aug. 6, 1991

ORDINANCE NUMBER 83

AN ORDINANCE TO REZONE THE PROPERTY OF PARKER LAYNE FROM RESIDENTIAL (R) TO HIGHWAY COMMERCIAL (C-2) WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, a request has been duly made by Parker Layne that his property situated at the entrance to Sweeden's Cove Road in the Town of Kimball, Tennessee, be rezoned from Residential (R) to Highway Commercial (C-2) use; and

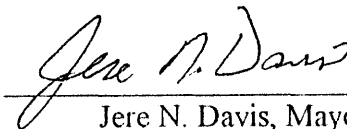
WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has reviewed the request and proposed plans from Mr. Layne for use and development of the subject tract of land; and

WHEREAS, said Board is of the opinion that a change in the zoning of said property from Residential (R) to Highway Commercial (C-2) is in the best interest of the Town and conforms to the interest of public welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that:

SECTION 1: That the property of Parker Layne situated at the entrance to Sweeden's Cove Road within the corporate limits of the Town of Kimball, Tennessee, be and the same is hereby rezoned from a Residential (R) use to a Highway Commercial (C-2) use as defined under the terms of the zoning ordinance of the Town of Kimball, Tennessee.

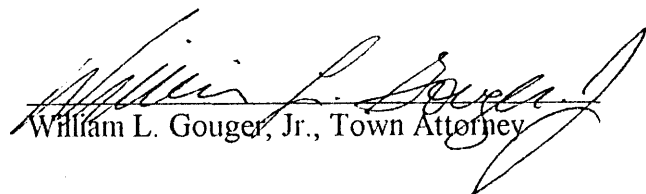
SECTION 2: This Ordinance shall take effect immediately upon its passage and publication as required by law, the public welfare requiring it.

  
Jere N. Davis, Mayor

ATTEST:

  
Nancy Stephens, Town Recorder

APPROVED AS TO FORM:

  
William L. Gouger, Jr., Town Attorney

250

Passed on 1st reading: 8-06-91  
Passed on 2nd reading: 8-19-91

ORDINANCE NO. 84  
USER CHARGE SYSTEM ORDINANCE FOR THE  
TOWN OF KIMBALL, TENNESSEE

WHEREAS, Tennessee State Laws and Rules require that the User Charge System (UCS) provide that each user which discharges pollutants that cause an increase in the cost of managing the effluent or sludge from the wastewater treatment facility, shall pay for such increased cost; and

WHEREAS, the UCS must be designed to produce adequate revenues to provide for the following expenditures:

1. Operation, Maintenance and Replacement (OMR)
2. Interest (I)
3. Principal repayments or depreciation, whichever is greater (P).

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

I. GENERAL PROVISIONS

- A. Actual Use. The UCS shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.
- B. Notification. Each user shall be notified annually in conjunction with their regular bill of the rate being charged for wastewater treatment services and that user charges are being used for the equitable recovery of costs from users of the Town's Wastewater Treatment System, including costs of operation, maintenance, administration, bond service costs, capital improvement depreciation, and equitable cost recovery of EPA administered federal wastewater grants.
- C. Financial Management System. The UCS must establish a financial management system that will accurately account for revenues generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the basis for determining the annual operating expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

- D. Charges for Inflow and/or Infiltration. The UCS shall provide that the cost of operation and maintenance for all flow not directly attributable to users be distributed among all users in the same manner that it distributes the costs of the actual or estimated usage.
- E. Use of Revenue. Revenue derived from a wastewater project funded by an EPA Grant or State Revolving Loan, including but not limited to, sale of treatment-related-by-products, lease of land, or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.
- F. Other Municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations requiring this ordinance.
- G. Inconsistent Agreements. This UCS shall take precedence over the terms or conditions of contracts between the City and users which are inconsistent with the requirements of this Ordinance.

## II. CHARGE STRUCTURE

### A. Classification of Users:

Class 1: Those users whose average biochemical oxygen demand (BOD) is 250 milligrams per liter by weight or less, and whose suspended solids (SS) discharge is 250 milligrams per liter by weight or less. (C1)

Class 2: Those users whose average BOD exceeds 250 milligrams per liter concentration by weight and whose SS exceeds 250 milligrams per liter concentration. (C2)

- B. Determination of Costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the services supplied by the wastewater system. These charges shall be based upon the cost categories described as operation, maintenance and replacement (OMR); interest (I); and, principal repayments or depreciation, whichever is greater (P).

- 1) All users who fall under Class 1 shall pay a single unit charge expressed as dollars per 1000 gallons of water purchased with the unit charge being determined by the following formula:

C1 = OMR + I + P/Total gallons treated (Thousands)

- 2) All users who fall within the Class 2 classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class 1 Users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids (SS) in direct proportion to the actual discharge quantities.

C2 = C1 plus the following formula for excessive strength:

$$[A(D-250) + B(E-250) + C(F-25)] \times .00834 \times G = \text{Surcharge Payment (\$/Mo.)}$$

The components of the formula are as follows:

- A = Surcharge rate for BOD, in S/pound.  
B = Surcharge rate of SS, in \$/pound.  
C = Surcharge rate for other pollutant(s) in \$/pound.  
D = User's average BOD concentration, in mg/l.  
E = User's average SS concentration, in mg/l.  
F = User's average other pollutants concentration, in mg/l.  
G = User's monthly flow to sewage works, per 1,000 gallons.

No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 250 mg/l of BOD, 250 mg/l of other pollutant(s).

- 3) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted by the Utilities Manager if a user does not discharge it to the public sewers (i.e., filling swimming pools or industrial heating). The user shall be responsible for documenting the quantity of wastewater actually discharged to the public sewer.

The Board of Mayor and Aldermen will review the user charges annually along with the budget process and revise the rates as necessary to ensure that adequate revenues are generated to pay OMR, I and P. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes.

Page 253

The rates are recorded in Ordinance No. \_\_\_\_\_ of the Municipal Code.



BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage, the public welfare of the municipality requiring it.

Gene A. Davis  
Mayor

Nancy J. Stephens  
Town Recorder

Passed on First Reading: September 5, 1991

Passed on Second Reading: 10-3-91

APPROVED AS TO FORM:

William L. Gougeon  
TOWN ATTORNEY

RESOLUTION NO. 10-91

WHEREAS, Tennessee Code Annotated Section 6-3-106 gives the Mayor of he Town of Kimball, Tennessee, certain duties unless the Board of Mayor and Aldermen designates otherwise; and

WHEREAS, the Board of Mayor and Aldermen wants to exercise said certain duties itself;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town Of Kimball, Tennessee, as follows:

Section 1: The administrative duties set forth in Tennessee Code Annotated Section 6-4-101 shall be performed by the city recorder.

Section 2: The Mayor shall employ, promote, discipline, suspend and discharge all employees and department heads, subject to approval by the Board of Mayor and Aldermen. Any personnel action taken by the Mayor shall be in accordance with personnel policies and procedures, if any, adopted by the Board.

Section 3: The city recorder shall act as purchasing agent for the municipality in the purchase of all materials, supplies, and equipment for the proper conduct of the municipality's business, provided that all purchases shall be made in accordance with policies, practices, and procedures established by the Board.

Section 4: The city recorder shall prepare and submit the annual budget and capital program to the Board for its adoption by ordinance.

This resolution will take effect from the date it is approved, the public welfare requiring it.

Gene A. Adams 10-3-91  
MAYOR

Nancy J. Stephens  
CITY RECORDER

Approved as to form:

William L. Houser  
CITY ATTORNEY

ORDINANCE NO. 85

AN ORDINANCE TO AMEND ORDINANCE NO. 71 OF THE TOWN OF KIMBALL, TENNESSEE, TO INCREASE COURT COSTS FOR THE TOWN OF KIMBALL MUNICIPAL COURT.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has previously enacted Ordinance No. 71 to provide for the imposition of court costs in all cases of the Town of Kimball Municipal Court in which there is a finding of guilt, said costs being set at Fifty (\$50.00) Dollars in said Ordinance; and

WHEREAS, it has been determined by the Board of Mayor and Aldermen that said Fifty (\$50.00) Dollar court cost amount is now inadequate due to an increase in the amount of litigation tax required to be remitted by the Town to the State of Tennessee, and further due to the increased cost of operating the Town of Kimball Municipal Court system; and


WHEREAS, the Board of Mayor and Aldermen now desires to increase the maximum amount of court costs assessable from Fifty (\$50.00) Dollars to Sixty (\$60.00) Dollars.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: Paragraph 2 of Ordinance No. 71, Section 1 is hereby deleted in its entirety and the following language is to be substituted in lieu thereof:

There shall be a maximum amount of court costs assessable of Sixty (\$60.00) Dollars, which shall include the amount of litigation tax required to be remitted by the Town of Kimball to the State of Tennessee, which is currently Thirteen and 75/100 (\$13.75) Dollars. The balance of Forty Six and 25/100 (\$46.25) will be referred to as the Town's litigation fee.

SECTION 2: Effective Date. This Ordinance shall take effect from and after its passage on second and final reading, the public welfare of the citizens of the Town of Kimball requiring it.

  
Page 250  
\_\_\_\_\_  
Mayor

ATTEST:

Nancy J. Stephens  
Recorder

Passed on 1st reading 4-2-92  
Passed on 2nd reading 5-7-92

ORDINANCE NO. 86

AN ORDINANCE TO ESTABLISH A TAX LEVY FOR THE CALENDAR YEAR 1992 FOR THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, the Town of Kimball has previously adopted Ordinance No. 36 for the purpose of levying a tax upon all taxable property in said Town, which was amended by Ordinance No. 43, and in accordance with said Ordinances, the Board of Mayor and Aldermen may amend the rate of tax when deemed necessary; and as a result of the recent appraisal of property by the State of Tennessee, said Board of Mayor and Aldermen has determined it necessary to establish the tax rate at \$0.19 per One Hundred (\$100.00) Dollars of assessed valuation.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball:

SECTION 1: There is hereby levied a tax for general purposes at the rate of \$0.19 on each One Hundred (\$100.00) Dollars of assessed valuation on all taxable property within the corporate limits of the Town of Kimball, Tennessee, for the calendar year ending December 31, 1992. This tax is levied in accordance with Ordinance No. 36, as amended by Ordinance No. 43, and said rate shall be effective until changed by proper action by the Board of Mayor and Aldermen.

SECTION 2: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3: This Ordinance shall take effect from and after its final passage.

Passed on final reading on the 1st day of October, 1992.

Jane A. Davis  
Mayor

ATTEST:  
Nancy J. Stephens  
Recorder

Passed on 1st reading: September 18, 1992

Passed on 2nd reading: October 1, 1992

ORDINANCE NO. 87

AN ORDINANCE ACCEPTING AND APPROVING A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO IMPROVE A PORTION OF STATE ROUTE NO. 150/2 FROM I-24 RAMP TO THE SWITCH ROAD AREA IN THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, the State of Tennessee Department of Transportation has submitted a proposal to the Town of Kimball, Tennessee, to construct a project on State Route No. 150/2 from the I-24 ramps to the Switch Road area in the Town of Kimball, Tennessee; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball has reviewed the proposal, designated as State Project No. 58008-1213-24, and it desires to accept said proposal and agrees to comply with the terms thereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that:

SECTION 1: The Tennessee Department of Transportation No. 58008-1213-24 to construct a project on State Route No. 150/2 from the I-24 ramps to the Switch Road area be and the same is hereby formally approved and accepted by the Town of Kimball Board of Mayor and Aldermen.

SECTION 2: The Town of Kimball will meet and perform all of its necessary duties and obligations prescribed in the proposal accompanying State Project No. 58008-1213-24.

SECTION 3: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed on final reading on the 1st day of October, 1992.

Jere N. Davis  
Mayor Jere N. Davis

ATTEST:  
Nancy J. Stephens  
Nancy Stephens, Recorder

Passed on 1st reading: June 4, 1992  
Passed on 2nd reading: October 1, 1992

ORDINANCE NO. 88

AN ORDINANCE TO AMEND ORDINANCE NO. 41, SECTION 2, OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING COMPOSITION OF THE TOWN'S SEWER BOARD AND DESIGNATION OF TERMS FOR THE MEMBERS OF SAID SEWER BOARD.

WHEREAS, on the 5th day of May, 1980, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, enacted Ordinance No. 41 to regulate the use of the sewer system of the Town of Kimball; to establish a sewer board; to require the use of the Town's sewer system; and to provide for penalties for the violation of said Ordinance; and

WHEREAS, Section 2 of said Ordinance No. 41 provided for the establishment of a sewer board for the Town of Kimball, said board to be appointed for staggered five year terms by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, is now of the opinion that, due to the complexity and financial consequences associated with the supervision, operation and maintenance of the Town's sewer system, the control of said sewer system should be directly vested in the hands of the members of the Town's Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball now desires to amend said Ordinance No. 41, Section 2 to provide that the Board of Sewer Commissioners of the Town of Kimball, Tennessee, shall be composed of the

Board of Mayor and Aldermen of the Town of Kimball, Tennessee, and that their terms of office as Sewer Commissioners shall be concurrent with their respective terms as Mayor and Aldermen.

IT IS, THEREFORE, ENACTED AND ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that Section 2 of Ordinance No. 41 of the Town of Kimball, Tennessee, be amended by deleting said Section 2 in its entirety and substituting in lieu thereof the following language:

SECTION 2: The Board of Sewer Commissioners of the Town of Kimball, Tennessee, shall be composed of the five members of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee. The terms of office of said Sewer Commissioners shall be for a period of four years, and the term of office of each sewer commissioner shall run concurrent with the four year term to be served by said Sewer Commissioner in his or her capacity as Mayor or Aldermen of the Town of Kimball, Tennessee.

The remaining provisions of said Ordinance No. 41, as amended by this and previous Ordinances of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, shall remain in full force and effect.

This Ordinance shall take effect and be in full force from and after its passage and publication as required by law, the public welfare of the Town of Kimball, Tennessee, requiring it.



Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading on this the 15<sup>th</sup> day of February, 1993.

Jere N. Davis  
Mayor Jere N. Davis

ATTEST:

Nancy J. Stephens  
Nancy Stephens, Town Recorder

Passed on 1st reading: 2-11-93  
Passed on 2nd and final reading: 2-15-93

ORDINANCE NO. 89

AN ORDINANCE AMENDING ORDINANCE NOS. 41 AND 50 OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING THE SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has previously enacted Ordinance Nos. 41 and 50 regarding the sewer system, sewer usage, and sewer rates for the Town of Kimball, Tennessee; and

WHEREAS, by the provisions of Section 7 of Ordinance No. 41, the Board of Mayor and Aldermen of the Town of Kimball is authorized to regulate sewer rates, schedules and connection fees; and

WHEREAS, by Ordinance No. 50, the Board of Mayor and Aldermen of the Town of Kimball amended Section 7 of Ordinance No. 41 pertaining to the sewer rates to be applied to sewage services in the Town of Kimball, Tennessee; and

WHEREAS, in order to meet the obligations imposed by the laws of the State of Tennessee, the covenants and conditions of the Sewer Revenue and Tax Bond, Series 1979, and in order to meet that debt obligation incurred by the Town of Kimball for the extension of a sewer line to the sewage treatment facility in the Town of Jasper, Tennessee, and to assist in the relocation of existing sewer lines in the Dixie Lee Junction area of the Town of Kimball, the Board of Mayor and Aldermen of the Town of Kimball is of the opinion that Ordinance Nos. 41 and 50 need to be amended to adjust the existing sewer rates.

IT IS, THEREFORE, ENACTED AND ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the sewer rate schedule set forth in said Ordinance Nos. 41 and 50 be deleted in its entirety and that the following sewer rate schedule be substituted in lieu thereof:

SEWER RATE SCHEDULE

\$100.00 per month up to 3,000 gallons plus (minimum bill)  
\$ 1.00 per 1,000 gallons over 3,001 to 18,000 gallons  
\$ 2.40 per 1,000 gallons over 18,001 to 48,000 gallons  
\$ 2.15 per 1,000 gallons over 48,001 to 98,000 gallons  
\$ 2.00 per 1,000 gallons over 98,000 gallons

This Ordinance and the above-established sewer rate schedule shall become effective after its passage and publication as required by law, and after the sewer line from the Town of Kimball to the Town of Jasper becomes operational and at such time as these rates are deemed financially necessary by the project engineer supervising the sewer line extension to the Town of Jasper and the relocation of existing lines in the Dixie Lee Junction area of the Town of Kimball, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading this the 15<sup>th</sup> day of February, 1993.

  
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Mayor Jere N. Davis

ATTEST:

Nancy J. Stephens  
Nancy Stephens, Town Recorder

Passed on 1st reading: 2-11-93  
Passed on 2nd and final reading: 2-18-93

ORDINANCE NO. 90

AN ORDINANCE TO INCREASE COMPENSATION FOR THE MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE, TO AMEND ORDINANCE NO. 31

WHEREAS, Ordinance No. 31 of the Town of Kimball, Tennessee, heretofore established compensation for each member of the Board of Mayor and Aldermen to be \$2.00 for each meeting of the Board; and

WHEREAS, the business operations of the Town of Kimball have increased substantially, and the duties of the Mayor of the Town of Kimball have likewise increased such that the position is now equivalent to a full-time job; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen pursuant to the provisions of TCA Section 6-3-109 to establish compensation rates for the positions of Mayor and Alderman, and thus the reason for this Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, of the County of Marion, and the State of Tennessee:

SECTION 1: That Sections 1 and 2 of Ordinance No. 31 of the Town of Kimball be and the same are hereby deleted in their entirety, and the following shall be substituted in lieu thereof:

Compensation of Mayor and Aldermen. The position of Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of Four Hundred Fifty (\$450.00) Dollars per month.

Each Alderman of the Town of Kimball shall be paid by the Town of Kimball compensation in the amount of One Hundred (\$100.00) Dollars per month.

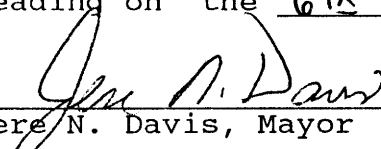
SECTION 2: The compensation for Mayor and Aldermen as mandated herein shall continue so long as the Town of Kimball shall remain in good financial standing. In the event it becomes necessary to layoff Town employees due to financial difficulties, the compensation specified herein shall be suspended until such financial difficulties are resolved and the Town has regained good financial standing. The determination of the financial standing of the Town shall be made by the Board of Mayor and Aldermen, and the compensation established herein shall not be affected by layoffs necessitated by lack of work.

SECTION 3: That this Ordinance shall take effect and be in force from and after final passage on the 2nd reading thereof and publication, the public welfare requiring it. The compensation to be paid pursuant to the terms of this Ordinance shall begin in the month in which this Ordinance becomes effective.

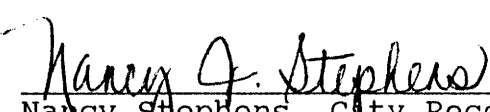
SECTION 4: That the annual budget for the Town of Kimball for the fiscal year July 1, 1992, through June 30, 1993, shall be and is hereby amended to reflect this increase in compensation for the Mayor and Aldermen. There are adequate revenues available for the payment of these additional expenditures.

SECTION 5: That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Passed and approved by the Board of Mayor and Aldermen on second and final reading on the 6<sup>th</sup> day of May, 1993.

  
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Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed on 1st reading: 4-1-93  
Passed on 2nd reading: 5-6-93

Public hearing 5-6-93

ORDINANCE NO. 91

AN ORDINANCE TO AMEND ORDINANCE NO. 61, SECTION 3.040A, ARTICLES 1-3 AND ORDINANCE NO. 62 RELATIVE TO THE ESTABLISHMENT OF RESIDENTIAL DISTRICTS OF LOW AND HIGH DENSITY AND THE DIMENSIONAL REQUIREMENTS THEREOF; AND AN AMENDMENT TO ORDINANCE NO. 61, SECTION 3.040A, ARTICLE 4(D) RELATIVE TO MOBILE HOME SPACING REQUIREMENTS OF ESTABLISHED MOBILE HOME PARKS, ALL FOR THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, many residents of the Town of Kimball, Tennessee, have requested the Board of Mayor and Aldermen to consider more stringent zoning regulations in the residential areas; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, upon recommendation of the Kimball Municipal Planning Commission, has deemed it necessary to establish and define a Low Density Residential District (R-1) and a High Density Residential District (R-2), based upon the intensity of land use, immediate or future, so as not to cause congestion of buildings or traffic or overload sanitary facilities, as more particularly defined hereinafter; and

WHEREAS, pursuant to authority conferred by Tennessee Code Annotated Section 13-7-201, et seq, the Town, through its Planning Commission, promotes public health, safety, order and general welfare as is evident by the adoption of Ordinance No. 61, generally known as the zoning ordinance since 1988; and

WHEREAS, this action is deemed necessary for the welfare of the residents and property owners thereof and this Town as a whole.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

SECTION 1: That Section 3.040A, Articles 1-3 be deleted in their entirety and the following be substituted in lieu thereof:

3.040 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the zoning districts established in Section 3.010 of this ordinance.

A. RESIDENTIAL DISTRICT

The residential district is intended to promote and encourage as far as possible the establishment and maintenance of a suitable environment for residences in areas which by location and character are appropriate for such use. One of the important purposes of these districts is to create, as far as possible, adequate standards of development in order to prevent overcrowded and unhealthy conditions in the older established neighborhoods. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload sanitary facilities. Density should be limited to provide adequate light, air, and usable open space for the residents and adequate space for all related structures.

1. R-1 Low Density Residential District

It is the intent of the R-1 Residential District to protect existing residential development and to provide suitable areas for one family detached dwellings at low density.

2. Uses Permitted.

- a. One (1) family detached dwelling (conventional construction).



- b. Modular homes.
- c. Agricultural Uses.
- d. Cemeteries.
- e. Non-commercial nurseries, garden centers and greenhouses.
- f. Churches, provided that:
  - 1. There is a planted evergreen buffer strip at least ten (10) feet wide along the property lines, except the lines bordering the street; and
- g. Church schools.
- h. Public schools and other public educational institutions.
- i. Utility facilities necessary for the provisions of public services.
- j. Customary accessory buildings, including private garages and non-commercial workshops.
- k. Customary incidental home occupations including professional office (i.e. architect, artist, dentist, engineer, lawyer, physician, and the like, barber, beauty and tailor shops, or the accommodation of not more than two employees provided that there is no external evidence of such occupation except a two foot square sign.)
- l. Municipal, county, state or federal buildings or land use.
- 3. Uses Permitted on Review

The following uses are permitted on review with approval by the planning commission in accordance with the provisions of Section 6.060.

- a. Private schools, provided that:
  - 1. There is a planted evergreen buffer strip along the property lines, except the lines bordering the streets; and
  - 2. The building is not located less than <sup>Page 270</sup>15 feet from the buffer zone or 45 feet from any property line.

- b. Lodge halls, civic organizations, and private clubs, provided that the club's primary activity is not customarily conducted as a business.
- c. Radio, television and communication towers.

#### 4. Dimensional Regulations

All uses permitted in the R-1 Low Density District shall comply with the following requirements, except as provided in Chapter 5, "Exceptions and Modifications."

##### a. Front Yard:

The minimum depth of the front yard shall be 40 feet from the streets right-of-way.

##### b. Rear Yard:

The minimum depth of the rear yard shall be 15 feet for the principal structure.

##### c. Side Yard:

The side yard shall be a minimum of 10 feet for one and two story structures, plus 5 additional feet of side yard for each additional story over 2.

If the side yard abuts a local street or cul-de-sac, the side yard setback shall be 20 feet.

##### d. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 15,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 15,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one single family dwelling provided that the lot in question has a public water supply and sanitary sewer service. In that case, said lot of record shall not be less than 7,500 square feet in area.

e. Lot Width:

No lot shall be less than 100 feet wide at the building setback line.

f. Height Requirement:

No building shall exceed 2 1/2 stories or 35 feet in height, except as provided in Section 5.030.

5. R-2 High Density Residential District

These areas provide for residences at high densities, including multi-family dwellings. It is the intent of the R-2 Residential District to encourage residential development to maintain this as an area that is desirable in which to live.

6. Uses Permitted

- a. Any use permitted in the R-1 Residential District.
- b. Multi-family dwellings.
- c. Mobile home parks subject to the regulations of Section 3.040(5).

7. Uses Permitted on Review

The following uses are permitted on review when approved by the planning commission in accordance with the provisions of Section 6.060.

- a. Private schools, provided that:
  - 1. There is a planted evergreen buffer strip along the property lines, except the lines bordering the streets; and
  - 2. The building is located not less than 15 feet from the buffer zone or 45 feet from any property lines.
- b. Lodge halls, civic organizations and private clubs provided that the club's primary activity is not customarily conducted as a business.

## 8. Dimensional Regulations

All uses permitted in the R-2 High Density Residential District shall comply with the following requirements, except as provided in Chapter 5, "Exceptions and Modifications."

### a. Front Yard:

The minimum depth of the front yard shall be 40 feet from the streets right-of-way.

### b. Rear Yard:

The minimum depth of the rear yard shall be 10 feet from the principal structure.

### c. Side Yard:

The side yard shall be a minimum of 10 feet for one and two story structures, plus 5 additional feet of side yard for each additional story over 2.

If the side yard abuts a local street or cul-de-sac, the side yard setback shall be 20 feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be 25 feet.

### d. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 15,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 15,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one single family dwelling provided that the lot in question has a public water supply and sanitary sewer service. In that case, said lot of record shall not be less than 7,500 square feet in area.

### e. Lot Width:

No lot shall be less than 75 feet wide at the building setback line.

f. Height Requirement:


No building shall exceed 2 1/2 stories or 35 feet in height, except as provided in Section 5.030.

SECTION 2: That Section 3.040A. Article 4 be revised to Section 3.040A. Article 5 and to hereby amend Article 5 (d) 4 by deleting it in its entirety and substituting the following in lieu thereof: "No mobile home shall be located closer than ten (10) feet from the boundary line of each mobile home space."

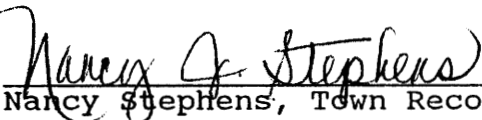
SECTION 3: Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

SECTION 4: That this Ordinance shall take effect and be in force thirty (30) days after second and final reading.

Passed and approved by the Board of Mayor and Aldermen on second and final reading on the 17 day of May, 1993.

  
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Jere N. Davis, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Stephens, Town Recorder

Passed on 1st reading: 5-6-93  
Passed on 2nd reading: 5-17-93

On Wednesday, November 17, 1993, the Town of Kimball Board of Mayor and Alderman met in the Twon Hall for a special called Board meeting. The purpose of the meeting was to consider the re-zoning of a portion of the Pauline Nabors property from R-2 High Density Residential to C-2 Highway Commercial.

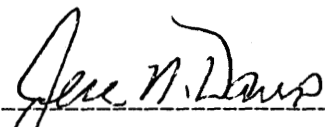
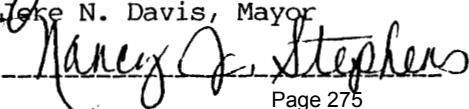
Mayor Davis called the meeting to order. He asked for a roll call. Those present were: Mayor Davis, Vice-Mayor Reynolds, Alderman Jackson, and Alderman Case. Alderman Payne and Attorney Gouger were absent. Let the minutes also show that the Building Inspector, Joe Sanfratel, was present.

There was some discussion regarding a buffer zone requirement and a solid wall on the back. After the discussion, Alderman Jackson made the motion to pass on first reading proposed Ordinance # 95 to re-zone a portion of the Pauline Nabors property from R-2 High Density Residential to C-2 Highway Commercial. (Alderman Jackson said this motion was due to some circumstances of the previous Building Inspector.)

Alderman Case second the motion. All voted aye.

Mayor Davis stated there would be a public hearing and second and final reading of this Ordinance at the next Board meeting which would be December 13, 1993.

With no other business to be discussed, Alderman Case made the motion the meeting be adjourned. Vice-Mayor Reynolds second the motion. All voted aye.

  
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Joe N. Davis, Mayor  
  
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Nancy J. Stephens, City Recorder

AN ORDINANCE AUTHORIZING THE EXTENSION OF EXISTING SALES TAX AGREEMENTS, AS AMENDED BY THE SALES TAX AGREEMENT AMENDMENT OF 1986-87, BETWEEN MARION COUNTY, JASPER, KIMBALL, MONTEAGLE, NEW HOPE, POWELLS CROSSROADS, SOUTH PITTSBURG AND WHITWELL, TENNESSEE, FOR AN ADDITIONAL TERM OF TWENTY (20) YEARS TO FUND A BUILDING PROGRAM FOR THE MARION COUNTY DEPARTMENT OF EDUCATION.

WHEREAS, through the use of Sales Tax Agreements and amendments to same made in 1986, Marion County, Tennessee, did agree with the municipalities of Jasper, Kimball, Monteagle, New Hope, Powells Crossroads, South Pittsburg and Whitwell, Tennessee to finance a bonded indebtedness incurred by the County to provide capital improvements in the Marion County school system; and

WHEREAS, the Marion County Board of Education is now in need of additional funding for the replacement of South Pittsburg Elementary School due to its destruction by fire and the replacement of Jasper Elementary School due to its overcrowding and overall deteriorated and poor condition, as well as other essential capital improvements to in the school system; and

WHEREAS, the governmental entities described herein are now in agreement that the use of sales tax revenues represents the best and most cost-effective method of financing additional bonded indebtedness in the projected amount of \$6,440,000.00 to fund the replacement costs of South Pittsburg Elementary School and Jasper Elementary School, said indebtedness to be repaid over a period of twenty (20) years through an extension of existing Sales Tax Agreements, as amended, with the County and said municipalities to supply the total sum of \$622,180.00 per year out of their respective shares of sales tax revenues toward annual payments on said indebtedness, and the Marion County Board of Education to supply any and all amounts of annual payments in excess of said \$622,180.00 amount,

beginning in calendar year 1994 and ending in calendar year 2013, with the exception of fiscal year 1994-1995, during which the County and said named municipalities shall contribute proportionally toward payment of an anticipated revenue shortfall by the Board of Education in the projected amount of \$118,000.00.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

Section 1. That the existing sales tax agreements, as amended in 1986, between Marion County, Jasper, Kimball, Monteagle, New Hope, Powells Crossroads, South Pittsburg and Whitwell, Tennessee, be and the same are hereby extended through the year 2013 to fund a bonded indebtedness in a projected amount not to exceed \$6,440,000.00 to pay for the costs of constructing a new South Pittsburg Elementary School and a new Jasper Elementary School and to make additional capital improvements to said school system as such funds will allow;

Section 2. That the borrowing of up to said \$6,440,000.00 amount through the sale of bonds by County be and the same is hereby authorized, and the Marion County Executive is empowered to do all acts necessary to effect such borrowing;

Section 3. That the combined annual payment obligation of Marion County, Jasper, Kimball, Monteagle, New Hope, Powells Crossroads, South Pittsburg, and Whitwell, Tennessee, be and the same is hereby limited to the sum of \$622,180.00, except for fiscal year 1994-1995, during which said entities shall assist the Marion County Board of Education in funding a projected revenue shortfall of \$118,000.00;

Section 4. That any and all annual payment obligations above said \$622,180.00 amount, except for the 1994-1995 fiscal year as noted above, be and the same is hereby deemed the financial responsibility of the Marion County Board of Education;

Section 5. That the current methods of collecting, accounting for, withholding and allocating sales tax revenues by the Marion County Trustee, as arranged pursuant to the terms of the aforementioned sales tax agreements, as amended, be and the same are hereby ratified, approved and extended through the end of said twenty (20) year period in calendar year 2013;

Section 6. That the extension of said agreements, borrowing of said funds, and the agreement to contribute toward said \$622,180.00 annual payments be and the same is hereby contingent upon the full and complete agreement and commitment to same by all governmental entities named herein, particularly including but not limited to the Marion County Board of Education and its unconditional agreement to pay all payment obligations above and beyond said \$622,180.00 annual amount, except for fiscal year 1994-95 as noted above;



Section 7. That all sales tax revenues collected within Marion County and its municipalities above and beyond said \$622,180.00 annual amount be collected by the Marion County Trustee and returned to their original points of collection as originally embodied in that 1986 Amendment to Sales Tax Agreements between the governmental entities named herein.

Section 8. That the chief executive officer of each governmental entity be and is hereby authorized to execute any agreements or other documents necessary to effectuate the terms of the agreement embodied in this Resolution.

Section 9. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section 10. This Ordinance shall take effect and be in force from and after its final passage as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on final reading on the 8 day of November, 1993.

TOWN OF KIMBALL, TENNESSEE

By *Jere N. Davis*  
Jere N. Davis, Mayor

ATTEST:

*Nancy J. Stephens*  
Town/City Recorder

Passed on first reading: 11-4-93  
Passed on second reading: 11-8-93

ORDINANCE 93

AN ORDINANCE AUTHORIZING THE DISBURSEMENT OF FUNDS HELD IN THE MARION COUNTY SCHOOL BOND SINKING FUND PURSUANT TO THE TERMS OF THAT 1986-87 AMENDMENT TO EXISTING SALES TAX AGREEMENTS BETWEEN MARION COUNTY, JASPER, KIMBALL, MONTEAGLE, NEW HOPE, POWELLS CROSSROADS, SOUTH PITTSBURG, AND WHITWELL, TENNESSEE

WHEREAS, by various sales tax agreements made between Marion County, Jasper, Kimball, Monteagle, New Hope, Powells Crossroads, South Pittsburg and Whitwell, Tennessee, as amended in 1986-87, various sales tax revenues were placed in the Marion County School Bond Sinking Fund to make payments on bonded indebtedness incurred to finance capital improvements to the Marion County School System; and

WHEREAS, said School Bond Sinking Fund has been the subject of much controversy, dissension, debate and litigation over the past several years, culminating in an amendment to said sales tax agreements in fiscal year 1986-87 to essentially freeze the balance in said Fund until said bonded debt was retired in the year 2002 and the proceeds in said fund could then be distributed back to their original points of collection; and

WHEREAS, the governing bodies of the entities set forth herein have now jointly decided and agreed that division and disbursement of the balance in said Fund at this time, minus an amount equivalent to one (1) year's payment obligation of \$625,000.00 as security for the bond holders and the amount of \$622,180.00 necessary to fund the payment due in fiscal year 1993-1994, is in the best interest of all governmental entities involved; and

WHEREAS, the City of South Pittsburg, Tennessee, has agreed to dismiss with prejudice its pending lawsuit against Marion County, Tennessee, in the Chancery Court of Marion County, Tennessee, Case No. 5573, in consideration of the division and disbursement of said funds;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

Section 1: That the total amount of funds held in the Marion County School Bond Sinking Fund be divided and disbursed pursuant to the terms of that 1986-87 Sales Tax Agreement Amendment between the County and the municipalities named herein, with the exception of the security deposit amount and the 1993-94 fiscal year payment amount which total \$1,247,180.00, as set forth above, which shall be retained in said fund;

Section 2: That the disbursement of such funds shall be contingent upon the dismissal with prejudice by the City of South Pittsburg of its lawsuit against Marion County as described and set forth above;

Section 3: That the disbursement of said funds shall be further contingent upon the agreement of all governmental entities described herein which agreement may be evidenced by proper passage and submission to the Marion County Executive of Ordinances of such governing bodies identical in form and content to this Ordinance;

Section 4: That the allocation to the Marion County Board of Education as described in said Amendment be offset by the sums of \$279,000.00 and \$450,000.00 to effect a repayment of loans previously made to said Board out of said School Bond Sinking Fund monies.

Section 5: That the existing Sales Tax Agreements and the Amendment to same of 1986-87, be and the same are hereby modified and amended in all respects necessary to effectuate the disbursements contemplated herein.

Section 6: That the Mayor of the Town of Kimball be authorized and empowered to execute any and all agreements or other documents necessary to effect the disbursement contemplated herein.

Section 7: Should any part of this Ordinance be held invalid by any Court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

Section 8: That this Ordinance shall take effect and be enforced from and after its final passage as required by law, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen on final reading on the 8 day of November, 1993.

TOWN OF KIMBALL, TENNESSEE

Jere N. Davis  
Mayor, Jere N. Davis

ATTEST:

Nancy J. Stephens  
Town/City Recorder

Passed on 1st reading: 11-4-93  
Passed on 2nd reading: 11-8-93

ORDINANCE NO. 94

AN ORDINANCE TO AMEND ORDINANCE NO. 90 REGARDING COMPENSATION FOR THE MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, by Ordinance No. 90 of the Town of Kimball, Tennessee, Ordinance No. 31 was amended to provide that the Mayor of the Town of Kimball shall receive compensation in the amount of \$450.00 per month, and that each Alderman of the Town of Kimball shall receive compensation in the amount of \$100.00 per month for attendance at regularly monthly Board meetings as therein stated; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to increase the compensation of said Mayor and Aldermen by deleting Section 1 of said Ordinance No. 90 in its entirety and substituting the following language in lieu thereof.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Section 1 of said Ordinance No. 90 of the Town of Kimball be and the same is hereby deleted in its entirety, and the following shall be substituted in lieu thereof:

Compensation of Mayor and Aldermen. The position of Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of Six Hundred Fifty (\$650.00) Dollars per month.

Each Alderman of the Town of Kimball shall receive compensation in the amount of Two Hundred (\$200.00) Dollars per month.

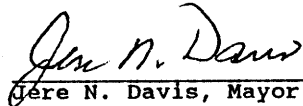
SECTION 2: That the annual budget for the Town of Kimball for the fiscal year July 1, 1993, through June 30,

1994, shall be and is hereby amended to reflect this increase in compensation for the Mayor and Aldermen. There are adequate revenues available for the payment of these increased expenditures.

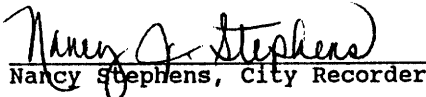
SECTION 3: That this Ordinance shall take effect and be in force from and after final passage on the second reading thereof and publication, the public welfare requiring it. The compensation to be paid pursuant to the terms of this Ordinance shall begin in the month in which this Ordinance becomes effective.

SECTION 4: That should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Passed and approved by the Board of Mayor and Aldermen on second and final reading on the 8th day of November, 1993.

  
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Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed on 1st reading: November 4, 1993  
Passed on 2nd reading: November 8, 1993

ORDINANCE NUMBER 95

AN ORDINANCE TO REZONE A PORTION OF THE PAULINE NABORS PROPERTY FROM HIGH DENSITY RESIDENTIAL (R-2) TO HIGHWAY COMMERCIAL (C-2) WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, a request has been duly made by Pauline Nabors to rezone a portion of her property situated north of US Highway 41 from High Density Residential (R-2) use to Highway Commercial (C-2) use to allow operation of a machine shop for which a building permit was previously issued by the Town; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has reviewed the request made by Ms. Nabors and the effect on the remainder of her property as well as the property of neighboring land owners surrounding the area in question; and

WHEREAS, said Board has determined that a change in the zoning classification as requested by Ms. Nabors is in the best interest of the Town of Kimball and is not contrary to the public welfare of the citizens of the Town of Kimball; and

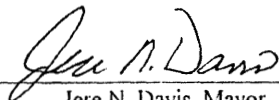
WHEREAS, the Board now desires to effectuate such zoning change subject to establishment and recognition of the requisite buffer zone between the commercial use property and the surrounding residential use property as provided by the zoning ordinance of the Town of Kimball, Tennessee.

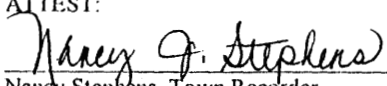
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that:

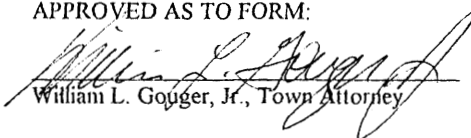
SECTION 1: That a portion of the property of Pauline Nabors upon which is situated a machine shop business and lying north of US Highway 41 within the corporate limits of the Town of Kimball, Tennessee, be changed from a High Density Residential (R-2) zoning classification to a Highway Commercial (C-2) zoning classification for the purpose of allowing the operation of Ms. Nabors' machine shop business.

That Pauline Nabors create, recognize and maintain the requisite buffer zone between said commercial use property and the surrounding residential use property as provided by the existing provisions of the zoning ordinance of the Town of Kimball, Tennessee.

SECTION 2: This Ordinance shall take effect immediately upon its passage and publication as required by law, the public welfare requiring it.

  
\_\_\_\_\_  
Jere N. Davis, Mayor

ATTEST:  
  
\_\_\_\_\_  
Nancy Stephens, Town Recorder

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
William L. Gouger, Jr., Town Attorney

Passed on 1st reading: 11-17-93  
Passed on 2nd reading: 12-13-93

ORDINANCE NO. 96

AN ORDINANCE TO ESTABLISH FEES FOR  
BUILDING PERMITS IN CONJUNCTION WITH  
THE SOUTHERN STANDARD BUILDING CODE

WHEREAS, by Ordinance No. 67 of the Town of Kimball, Tennessee, the provisions of the Southern Standard Building Code, as revised, were adopted by the Town of Kimball and incorporated by reference as a part of said Ordinance; and

WHEREAS, included within the provisions of said Southern Standard Building Code is a recommended schedule of fees to be charged for the issuance of building permits; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to amend said prior Ordinance, and the pertinent provisions of the Southern Standard Building Code as same apply to the Town of Kimball, Tennessee, so that the building permit fees to be collected in the Town of Kimball shall be exactly one-half (1/2) of the sums recommended in said schedule, provided, however, that the minimum fee for a building inspection and permit shall be Five Dollars (\$5.00).

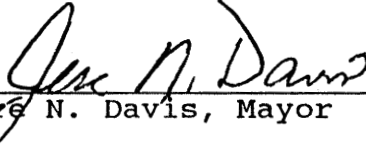
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Ordinance No. 67 of the Town of Kimball, be and the same is hereby amended so that the fees to be collected pursuant to the recommended schedule of permit fees set forth in the Southern Standard Building Code shall be exactly one-half (1/2) of the sums recommended in said schedule, provided, however, that the minimum fee for a building inspection and issuance of a building permit shall be Five Dollars (\$5.00).

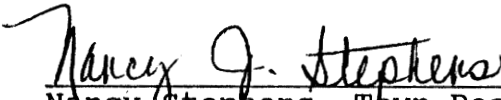
SECTION 2: That this Ordinance shall take effect and be in force from and after final passage on the second reading and publication, the public welfare requiring it.

SECTION 3: That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

Passed and approved by the Board of Mayor and Aldermen on second and final reading on the 6 day of JANUARY, 1994.

  
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Jere N. Davis, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Stephens, Town Recorder

Passed on 1st reading: 12-13-93

Passed on 2nd reading: 1-06-94



ORDINANCE NO. 97

AN ORDINANCE TO AMEND ORDINANCE NUMBERS 2,11,28 AND 78 OF THE TOWN OF KIMBALL, TENNESSEE, REGULATING THE ISSUANCE OF BEER PERMITS.

WHEREAS, with the enactment of Chapter 297 of the Public Acts of 1993, the application fee charged to beer permit applicants has increased to Two Hundred and Fifty (\$250.00) Dollars, and an annual privilege tax is levied on beer permittees, and municipalities are permitted to obtain fines in lieu of suspension of beer permits for violation of this Ordinance; and

WHEREAS, the Town of Kimball, Tennessee, desires to amend its ordinances regulating beer permits to reflect the changes made to the law by Chapter 297, Public Acts of 1993.

NOW, THEREFORE, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee ordain that Ordinance Numbers 2,11,28 and 78 are amended by deleting all conflicting sections and substituting the following in lieu thereof:

SECTION 1: Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the Beer Board. The application shall be made upon such form as the board shall prescribe and/or furnish, and pursuant to TCA Section 57-5-101 (b), and shall be accompanied by a non-refundable application fee of Two Hundred Fifty (\$250.00) Dollars. Said fee shall be in the form of a cashier's check payable to the Town of Kimball, Tennessee. Each applicant must be a person of good moral character and certify that he/she has read and is familiar with the provisions of this Chapter.

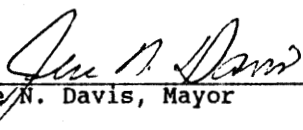
SECTION 2: Privilege Tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of One Hundred

(\$100.00) Dollars. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Kimball, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

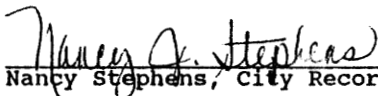
SECTION 3: Civil Penalty in Lieu of Suspension.

The Beer Board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed One Thousand Five Hundred (\$1,500.00) Dollars for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed One Thousand (\$1,000.00) Dollars for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

SECTION 4: Effective Date. This Ordinance shall take effect upon final passage and publication of the Ordinance or its caption in a newspaper of general circulation in the Town of Kimball, Tennessee, the public welfare requiring it.

  
\_\_\_\_\_  
Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed on 1st reading: 5-5-94  
Passed on 2nd reading: 6-2-94

MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE ADOPTED PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 6-2-201 (MAYOR-ALDERMANIC CHARTER) FOR THE PURPOSE OF AMENDING KIMBALL, TENNESSEE ORDINANCE NO. 58 REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF KIMBALL, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO ESTABLISH ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated Section 6-2-201 (Mayor-Aldermanic Charter) delegated the responsibility to units of local government to adopt regulations designated to promote the public health, safety, and general welfare of its citizenry. Therefore, the Kimball, Tennessee Mayor and Board of Aldermen, does ordain as follows:

Section B. Findings of Fact

1. The Kimball Mayor and Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Kimball are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

### Section C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other developments which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

### Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that property is in a floodable area; and,

8. To establish eligibility for participation in the National Flood Insurance Program.

## ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designated to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

"Appeal" means a request for review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AL-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building" for purposes of this section, means any structure built for support, shelter, or enclosures for any occupancy or storage. (See "Structure")

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (post and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as

a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of Part 60 of this subchapter directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Existing Structures" see "Existing Construction"

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevation, or an examination, evaluation and determination of mudslide (i.e., mudflow)

and/or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

"Floodplain" or "flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which



results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Subsection 60.3.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into ~~two~~ <sup>two or more</sup> manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimension of the building.

"State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

"Structure" for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a

structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

### ARTICLE 3. GENERAL PROVISIONS

#### Section A. Application

This Ordinance shall apply to all areas within the incorporated area of Kimball, Tennessee.

#### Section B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Kimball, Tennessee, Federal Emergency Management Agency, Flood

Insurance Rate Maps, Community 475429B Panel Numbers 01-13, Effective Date: June 10, 1977 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirements for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activity.

Section D. Compliance

No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Kimball, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of

conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Kimball, Tennessee from taking such other lawful actions to prevent or remedy any violation.

#### ARTICLE 4. ADMINISTRATION

##### Section A. Designation of Building Inspector

The Building Inspector is hereby appointed to administer and implement the provisions of the Ordinance.

##### Section B. Permit Procedures

Applications for a development permit shall be made to the Building Inspector on forms furnished by him prior to any development activity. The development permit may include, but is not to be limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

#### 1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.\*
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.\*
- c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.\*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

\* (see 2. below)

#### 2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Inspector shall record

the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### Section C. Duties and Responsibilities of the Building Inspector

Duties of the Building Inspector shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation



of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2
6. When flood-proofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Article 4. Section B.2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article 4. Section B.

9. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

## ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

### Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance and provided said non-conformity is not extended.

#### SECTION B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Article 3. Section B, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B.3.
2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be

provided to the Building Inspector as set forth in Article 4. Section B.2.

3. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exist of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one foot above grade; and
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article 5. Section B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions Page 135 must meet all the requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
- i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
  - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
  - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5. Section B.4.b.i. and ii. above.
- c. All recreational vehicles placed on sites must either:
- i. Be on the site for fewer than 180 consecutive days;
  - ii. Be fully licensed and ready for highway use; or
  - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5. Section B.4.A. or b.i. and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article 4. Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Located within the areas of special flood hazard established in Article 3, Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the flooding provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5, Section B.

Section D. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential building shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
  - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement

shall be elevated at least two (2) feet above the highest adjacent grade; or,

- b. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section E. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Article 3. Section B. are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

1. All provisions of Article 4. and Article 5. Section A. and H. shall apply.

Section F. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. If Article 5. Section F. 1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

#### Section G. Standards For Unmapped Streams

Located within Kimball, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated developments, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Kimball.
2. When flood elevation data is available, new construction or substantial improvements of building shall be elevated or flood-proofed to elevations established in accordance with Article 4. Section B.2.

#### Section H. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposures to flood hazards.



4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

## ARTICLE 6. VARIANCE PROCEDURES

### Section A. Board of Zoning Appeals

#### 1. Creation and Appointment

A Board of Zoning Appeals is hereby established which shall consist of three (3) members appointed by the Mayor. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Zoning Appeals shall be terms of one, two and three years respectively. Vacancies shall be filled for any unexpired term by the Mayor.

#### 2. Procedure

Meetings of the Board of Zoning Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Board of Mayor and Aldermen.

#### 3. Appeals: How Taken

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Building Inspector shall transmit to the Board of Zoning Appeals all papers constituting the record upon which to fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest, and decide the same within a reasonable time which

shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

#### 4. Powers

The Board of Zoning Appeals shall have the following powers:

- a. Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.
- b. Variance Procedures
  1. The Kimball Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
  2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
  3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
    - a. The danger that materials may be swept onto other property to the injury of others;
    - b. The danger to life and property due to flooding or erosion;
    - c. The susceptibility of the proposed facility and its contents to flood damage;

- d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
  5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is <sup>at least</sup> the minimum relief necessary so as not to destroy the

historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinance.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates from flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## ARTICLE 7. LEGAL STATUS PROVISIONS

### Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Kimball, Tennessee, the most restrictive shall in all cases apply.

### Section B. Validity

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provisions, or portion of this Ordinance which is not of itself invalid or unconstitutional.

### Section C. Effective Date

This Ordinance shall become effective and be in force from and after final passage and publication, in accordance with the Charter of Kimball, Tennessee, the public welfare demanding it.

Approved and adopted by the Kimball, Tennessee Board of Mayor and Alderman.

June 2, 1994  
Date

Joe Adams  
Mayor of Kimball

Sam Reynolds  
Alderman Vice - Mayor

Jerry Don Case  
Alderman

David Jackson  
Alderman

Paul Payne III  
Alderman

Attest:

Nancy J. Stephens  
City Recorder

8-25-94  
Date of Publication of  
Caption and Summary

1st Reading 5-5-94  
2nd Reading 6-2-94

AN ORDINANCE TO AMEND ORDINANCE NUMBERS 37, 40 AND 56 OF THE TOWN OF KIMBALL, TENNESSEE, WITH RESPECT TO THE EXTENSION OF CABLE TELEVISION SERVICES TO ALL AREAS SITUATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, pursuant to provisions of Ordinance Number 37, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, granted an exclusive franchise to Cardinal Cablevision, Inc., to operate and maintain a cable television system within the municipal limits of the Town; and

WHEREAS, pursuant to the provisions of Section 9 of Ordinance 37, Cardinal Cablevision, Inc., had agreed to make cable television service available to all residents of the Town within five (5) years of the effective date of said ordinance, which effective date was June 9, 1978; and

WHEREAS, pursuant to the provisions of Ordinance Number 40 of the Town of Kimball, Tennessee, the Board of Mayor and Aldermen of the Town of Kimball approved the sale of the cable television system in the Town from Cardinal Cablevision, Inc., to Sun Cablevision of the South, Ltd., upon the same terms and conditions as originally set forth in Ordinance Number 37 as stated herein; and

WHEREAS, Ordinance Number 56 as previously adopted by the Board of Mayor and Aldermen of the Town of Kimball set forth certain subdivision regulations to be followed by developers of real property situated within the corporate limits of the Town of Kimball, specifically requiring the submission of plans by developers of proposed utility layouts and extensions; and

WHEREAS, it has recently been brought to the attention of the Board of Mayor and Aldermen of the Town of Kimball and to the management of PCI Sun Cablevision d/b/a Sequatchie Valley Cablevision, the successor in interest of Sun Cablevision of the South, Ltd., that a portion of the residential area of the Town of Kimball, Tennessee, is currently without cable television service due to recent development of said area as residential property and the difficulty and expense associated with extending cable television services to said area, which area is situated along Industrial Boulevard and includes River's Edge Subdivision; and

WHEREAS, in an effort to clarify the obligations of both the Town of Kimball and Sequatchie Valley Cablevision with respect to the provisions of Ordinances 37 and 40 with respect to the extension of service to all residences situated within the Town of Kimball, and in consideration of the extension of cable television service by Sequatchie Valley Cablevision to the affected areas situated adjacent to Industrial Boulevard and located within River's Edge Subdivision at the expense of Sequatchie Valley Cablevision, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has agreed and finds it to be in the best interests of the residents of the Town of Kimball, Tennessee, that Ordinance Number 37 and Ordinance Number 56 be amended as follows for the purpose of clarifying the obligations of Sequatchie Valley Cablevision to extend cable television to current nonservice areas and to provide control to the Town over the extension of cable television service through the use of those subdivision regulations contained within Ordinance Number 56.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1. Section 5.03.04(j) of Ordinance Number 56 of the Town of Kimball, Tennessee, is hereby amended by deleting same in its entirety and substituting the following language in lieu thereof:

j. Plans of proposed utility layouts and easements (sewers, water, gas, electricity, and cable television) showing feasible connections to the existing or any proposed utility systems. When connections to certain public utilities or cable television services are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the County Health Department, and any plan to exclude the extension of cable television services to the proposed development area must be approved by the Town's Planning Commission and the Board of Mayor and Aldermen. In the event that a developer falling within the provisions of this Ordinance Number 56 shall choose to bear the cost of extending cable television services to the subject real estate development, then the cable television service provider shall be prohibited from charging a non-standard installation fee for the extension and provision of such cable television service to the development area, except insofar as a particular residence in the proposed development area is situated more than one hundred fifty (150) feet from the main cable television service line. In the event that the developer of an area as described herein elects not to extend such cable television service to the subject development area, and in the event that such election is approved by the Planning Commission and Board of Mayor and Aldermen of the Town of Kimball, Tennessee, the cable television service provider shall have no obligation whatsoever to extend cable television service to the proposed development area without charging and collecting in advance a nonstandard installation fee for same;

SECTION 2. Section 9 of Ordinance Number 37 of the Town of Kimball, Tennessee, is amended by adding the following language thereto:

As of the effective date of Ordinance Number 99, all areas of the Town of Kimball, Tennessee, that are not being provided with cable television service shall be extended cable television service only upon the following terms and conditions: In the event that a landowner or developer elects to bear the cost of extending cable television service to a nonservice area, the Company shall be prohibited from charging a nonstandard installation fee and shall be required to extend service to such areas within a reasonable time, except insofar as any particular residence may be located more than one hundred fifty (150) feet from the main cable television service line, in which case the Company shall be allowed to charge a nonstandard installation fee for running the appropriate cable line from the main service line to the subject residence; in the event the landowner or developer shall elect not to bear the cost of extending cable television service to a nonservice area as described herein, and provided that such election is approved by the Planning Commission and Board of Mayor and Aldermen of the Town of Kimball, Tennessee, then the Company shall have no obligation whatsoever to extend cable television service to a nonservice area without first charging and collecting a nonstandard installation fee, as provided herein and in Section 5.03.04(j) of Ordinance Number 56, as amended.

SECTION 3. As consideration for the modification of the existing franchise agreement between Sequatchie Valley Cablevision and the Town of Kimball, Tennessee, as said franchise agreement is embodied in Ordinance Number 37, Sequatchie Valley Cablevision shall extend cable television service to River's Edge Subdivision, the property of Jack Keef and the other residences situated along Industrial Boulevard in the Town of Kimball as of the date of this Ordinance, said extension to begin immediately upon passage of this Ordinance and upon acquisition by Sequatchie Valley Cablevision of necessary pole attachment and railroad crossing permits, said extension to be completed no later than ninety (90) days from the effective date hereof or the acquisition of said permits, whichever shall last occur.

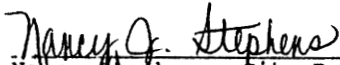
SECTION 4. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance, and the remainder shall remain in full force and effect.

SECTION 5. This Ordinance shall become effective and be in force from and after final passage and publication, in accordance with the charter of the Town of Kimball, Tennessee, and the laws of the State of Tennessee, the public welfare requiring it.

Approved and adopted by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee.

  
\_\_\_\_\_  
Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed on 1st reading: 6-23-94  
Passed on 2nd reading: 8-4-94



AN ORDINANCE AMENDING ORDINANCES 67 AND 96 TO ESTABLISH FEES FOR BUILDING PERMITS AND TO AMEND CERTAIN LANGUAGE SET FORTH IN THE SOUTHERN BUILDING CODE.

WHEREAS, by Ordinance number 67 of the Town of Kimball, Tennessee, the provisions of the Southern Building Codes as revised, were adopted by the Town of Kimball and incorporated by reference as a part of said Ordinance; and

WHEREAS, by Ordinance number 96 of the Town of Kimball, Tennessee, the schedule of fees to be charged for the issuance of building permits was modified so that the building permits to be collected in the Town of Kimball would be exactly one-half (1/2) of the sums recommended in the schedule provided in the Southern Building Code with a minimum fee of Five (\$5.00) Dollars to be charged for a building inspection and permit; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to amend said prior Ordinance Number 67, and Section 103 of the Southern Building Code so that the requirement for obtaining a permit from the Town of Kimball will be limited to certain actions and circumstances; and

WHEREAS, it is also the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to amend said prior Ordinance Number 96 so that the building permit fee to be collected in the Town of Kimball shall be exactly as set forth in the schedule provided by said Southern Building Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Ordinance number 67 of the Town of Kimball, and that Section 103 PERMITS of the Southern Building Code as adopted therein, be and the same is hereby amended so that the language contained within said Southern Building Code Section 103 PERMITS is hereby deleted in its entirety and the following language is substituted in lieu thereof:

**103 PERMITS**

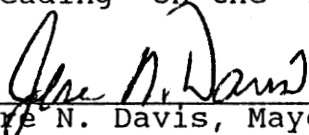
A person, firm or corporation shall not erect, construct, enlarge or move any building or structure in the applicable jurisdiction, or cause the same to be done, without first obtaining a building permit for such building or structure from the Building Official.

SECTION 2: That Ordinance number 96 of the Town of Kimball, be and the same is hereby repealed and abolished in its entirety to eliminate the previous formula wherein one-half (1/2) of the Southern Building Code building permit fee schedule was enacted. Immediately upon the effective date of this Ordinance, the recommended schedule of building permit fees set forth in the Southern Building Code shall be adopted in its entirety, without amendment or limitation.

SECTION 3: That this Ordinance shall ~~take~~<sup>take</sup> effect and be enforced from and after Final Passage on the second reading and publication, the public welfare requiring it.

SECTION 4: That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Passed and approved by the Board of Mayor and Aldermen on second and final reading on the 17th day of April, 1995.

  
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Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed 1st reading: April 6, 1995

Passed 2nd and Final reading: April 17, 1995

ORDINANCE NO. 101

AN ORDINANCE AMENDING ORDINANCE NUMBERS 71 AND 85 OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING THE ASSESSMENT OF COURT COSTS ON MATTERS HEARD IN THE MUNICIPAL COURT OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, by Ordinance Number 71 the Board of Mayor and Aldermen of the Town of Kimball, Tennessee assessed a maximum amount of court costs for each case heard in the Municipal Court of the Town of Kimball at Fifty (\$50.00) Dollars which amount included the sum of Eleven and 25/100 (\$11.25) Dollars to be remitted to the State of Tennessee for litigation tax; and

WHEREAS, by Ordinance Number 85, the maximum amount of court costs assessable was increased to Sixty (\$60.00) Dollars, which amount included Thirteen and 75/100 (\$13.75) Dollars as the State's litigation tax; and

WHEREAS, the Board is desirous of amending said Ordinance Numbers 71 and 85 for the purpose of increasing the total amount of court costs assessable in each case of the Town's Municipal Court from Sixty (\$60.00) Dollars to Seventy Five (\$75.00) Dollars, of which the sum of Thirteen and 75/100 (\$13.75) Dollars shall be remitted to the State for payment of the litigation tax.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

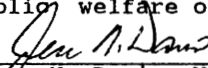
SECTION 1: The second paragraph of Section 1 of said Ordinance Number 71 and Section 1 of Ordinance Number 85 are hereby deleted in their entirety and the following language is substituted in lieu thereof:

There shall be a maximum amount of court costs assessable of Seventy Five (\$75.00) Dollars, which shall include the amount of litigation tax required to be remitted by the Town to the State of Tennessee, which amount is currently Thirteen and 75/100 (\$13.75) Dollars. The balance of Sixty One and 25/100 (\$61.25) Dollars will be referred to and retained by the Town as its litigation fee.

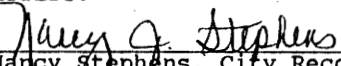
SECTION 2: All remaining provisions of said Ordinance Numbers 71 and 85 not in conflict herewith shall remain in full force and effect.

SECTION 3: Severability Clause. Should any part(s) of this Ordinance be declared invalid for any reason, no other part(s) of this Ordinance shall be affected thereby.

SECTION 4: The provisions of this Ordinance shall take effect from and after its passage on second and final reading and publication, the public welfare of the Town of Kimball requiring it.

  
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Jefe N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed on 1st Reading: March 2, 1995  
Passed on 2nd and Final Reading: April 6, 1995

ORDINANCE NO. 102

AN ORDINANCE AMENDING ORDINANCE NUMBER 75 TO ELIMINATE TEMPORARY OR PORTABLE SIGNS WITHIN THE CORPORATE LIMITS OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, by Ordinance Number 75 of the Town of Kimball, Tennessee, a system was created to control, regulate and permit the placement, construction and description of signs that would be allowed within the corporate limits of the Town of Kimball, Tennessee; and

WHEREAS, included within the provisions of said Ordinance Number 75 were provisions to allow the location, placement and permitting of temporary signs within the Town's corporate limits; and

WHEREAS, many problems and disputes have arisen in the Town regarding the appearance, location, use and permitting of temporary portable signs within the corporate limits of the Town since the adoption of said Ordinance Number 75, to such an extent that the Town has not been able to effectively regulate and control same; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to amend said Ordinance number 75 for the specific purpose of eliminating all references to temporary signs as contained therein and to specifically eliminate Section 6 of said Ordinance beginning on page 11 of same and running through page 12 of same regarding the allowance of temporary (portable) signs.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

SECTION 1: That Ordinance number 75 of the Town of Kimball be and the same is hereby amended so that Section 6 of said Ordinance is hereby deleted in its entirety, for the express purpose of prohibiting the use, placement and permitting of temporary signs within the corporate limits of the Town of Kimball, Tennessee.

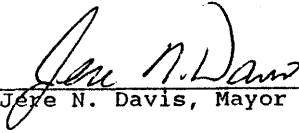
SECTION 2: That Ordinance Number 75 of the Town of Kimball be and the same is hereby further amended so that any and all other references within said Ordinance to temporary signs and the placement, permitting, or use of same, be and the same is hereby deleted from that Ordinance, specifically including but not limited to the definition of temporary signs as contained on page 6 of said Ordinance.

SECTION 3: From and after the effective date of this Ordinance, any attempt to use a temporary sign in contravention of the provisions of this ordinance shall be punishable on the same terms and conditions as other violations as set forth in Section 7 (D) of said Ordinance Number 75.


SECTION 4: That this Ordinance shall take effect and be enforced from and after final passage on the second reading and publication, the public welfare requiring it.

SECTION 5: That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Passed and approved by the Board of Mayor and Aldermen on Second and Final Reading on the 4th day of May 1995.

  
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Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, City Recorder

Passed on 1st Reading: April 6, 1995  
Passed on 2nd and Final Reading: May 4, 1995  
Public Hearing : May 4, 1995

ORDINANCE NUMBER 103

AN ORDINANCE AMENDING ORDINANCE NUMBER 56  
REGARDING DESIGNATION OF A PLANNING  
COMMISSION FOR THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, by Ordinance Number 56 of the Town of Kimball, Tennessee, the Kimball Board of Mayor and Aldermen designated the Marion County Regional Planning Commission as the Planning Commission of the Town of Kimball until such time as said Ordinance was repealed, amended or otherwise modified; and

WHEREAS, subsequent to the adoption of said Ordinance Number 56, the Board of Mayor and Aldermen of the Town of Kimball created a municipal Planning Commission under the supervision and control of the Kimball Board of Mayor and Aldermen to consider, discuss and make recommendations regarding planning and development within the municipal limits of the Town of Kimball; and

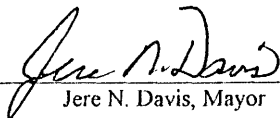
WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball now desires to designate the Town of Kimball Municipal Planning Commission as the Planning Commission for the Town, and to designate the Tennessee Department of Economic and Community Development as the planning consultant and advisement service for the Town and its municipal Planning Commission.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that:

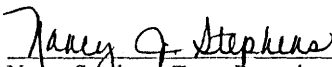
SECTION 1: The Town of Kimball hereby amends Ordinance Number 56 by replacing the Marion County Regional Planning Commission with the Town of Kimball Municipal Planning Commission as the Planning Commission of the municipality, with said Municipal Planning Commission to have planning and development jurisdiction for the Town of Kimball within its municipal boundaries.

SECTION 2: The Town of Kimball hereby designates the Tennessee Department of Economic and Community Development as the provider of necessary planning and development consultation and advice with respect to planning and development matters arising within the municipal limits of the Town of Kimball upon such terms and conditions as may heretofore be agreed upon between the Town of Kimball and said Department.

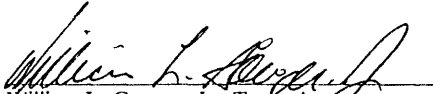
SECTION 3: This Ordinance shall take effect immediately upon its passage and publication as required by law, the public welfare requiring it.

  
Jere N. Davis, Mayor

ATTEST:

  
Nancy Stephens, Town Recorder

APPROVED AS TO FORM:

  
William L. Gouger, Jr., Town Attorney

Passed on 1st reading: 9-7-95  
Passed on 2nd reading: 10-5-95

ORDINANCE NUMBER 104

AN ORDINANCE AMENDING ORDINANCE NUMBER 82 TO DESIGNATE AN OFFICIAL DEPOSITORY BANK FOR THE TOWN OF KIMBALL, TENNESSEE.

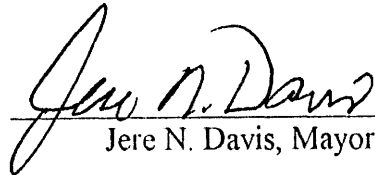
WHEREAS, by Ordinance Number 82, Board of Mayor and Aldermen of the Town of Kimball, Tennessee, designated the Marion Trust and Banking Company, headquartered in Jasper, Tennessee, as the depository bank for all funds of the Town; and

WHEREAS, the Board of Mayor and Aldermen now desires to amend said Ordinance Number 82 for the purpose of changing its depository bank from Marion Trust and Banking Company to Citizens State Bank, also headquartered in Jasper, Tennessee.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that:

SECTION 1: Ordinance Number 82 of the Town of Kimball is hereby amended by substituting Citizens State Bank, with headquarters in Jasper, Tennessee, for Marion Trust and Banking Company as the official depository bank for funds of the Town of Kimball, Tennessee.

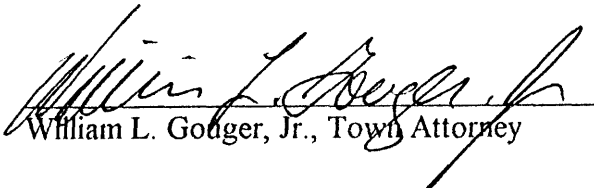
SECTION 2: This Ordinance shall take effect immediately upon its passage and publication as required by law, the public welfare requiring it.

  
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Jere N. Davis, Mayor

ATTEST:

  
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Nancy Stephens, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William L. Gogger, Jr., Town Attorney

Passed on 1st reading: 9-7-95  
Passed on 2nd reading: 10-5-95

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 91 ADOPTED  
MAY 17, 1993 FOR THE CITY OF KIMBALL, TENNESSEE**

**WHEREAS,** the City of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances; and,

**WHEREAS** Ordinance Number 91 amended the Official Zoning Ordinance of Kimball, Tennessee; and,

**WHEREAS** It has been discovered that Section 2 of Ordinance Number 91 is in error; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning ordinance, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the City of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Mayor and City Council of the City of Kimball, Tennessee; that,

**Section 1** This ordinance amendment shall correct and replace Section 2 of Ordinance Number 91, which amended the Official Zoning Ordinance of Kimball, Tennessee.

**Section 2** Section 2 of Ordinance Number 91 states "That Section 3.040A. Article 4 be revised to Section 3.040A Article 5 and to hereby amend Article 5 (d) 4 by deleting it in its entirety and substituting the following in lieu thereof: "No mobile home shall be located closer than ten (10) feet from the boundary line of each mobile home space.""

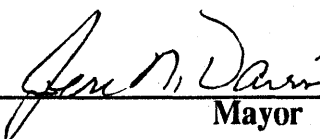
**Section 3** This ordinance amendment shall delete Section 2 of Ordinance 91 in its entirety and replace it as follows:

**Section 3.040A., Article 4 "Mobile Home Park Restrictions" subsection d. 4) of the Official Zoning Ordinance of Kimball, Tennessee, adopted August, 1988, shall be deleted in its entirety and revised to Section 3.040A. Article 9 and shall read as: "No mobile home shall be located closer than ten (10) feet from the boundary line of each mobile home space."**

**THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Mayor and City Council, the public welfare requiring it.

**FIRST READING:** NOVEMBER 2, 1995

**SECOND READING:** DECEMBER 7, 1995

  
\_\_\_\_\_  
Mayor

**ATTEST**   
\_\_\_\_\_  
City Recorder



**AN ORDINANCE TO REPEAL ORDINANCE NUMBER 56 AND TO DESIGNATE THE KIMBALL MUNICIPAL PLANNING COMMISSION AS THE SOLE PLANNING AUTHORITY FOR THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS,** the authority of Tennessee Code Annotated §13-4-101 empowers the chief legislative body of municipalities to establish municipal planning commissions; and,

**WHEREAS,** the Board of Mayor and Aldermen, being the chief legislative body of the Town of Kimball, Tennessee, has established a municipal planning commission, with all the powers, duties and responsibilities enabled by state law in Tennessee Code Annotated §13-4-101 et. seq., for the Town of Kimball, Tennessee; and,

**WHEREAS,** Ordinance No. 56, adopted on final reading on October 30, 1986 by the Kimball Board of Mayor and Aldermen, designated the Marion County Regional Planning Commission as the planning commission of the municipality of Kimball, Tennessee and delegated the municipal planning authority of Kimball, Tennessee to the Marion County Regional Planning Commission; and,

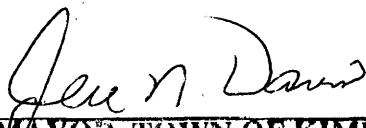
**WHEREAS,** the Kimball Board of Mayor and Aldermen deem it necessary and in the best interest of the municipality to retain control of the municipal planning authority with the Kimball Municipal Planning Commission, as designated by the Board of Mayor and Aldermen,

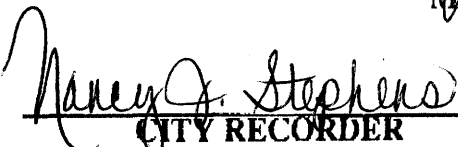
**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF KIMBALL, TENNESSEE THAT,**

**Section 1** This ordinance shall repeal Ordinance No. 56 and shall rescind all action resulting from that ordinance, including but not limited to the designation of the Marion County Regional Planning Commission as the local planning authority for the Town of Kimball, Tennessee.

**Section 2** This ordinance shall establish the Kimball Municipal Planning Commission as the sole municipal planning authority for the Town of Kimball, Tennessee and shall vest the Kimball Municipal Planning Commission with all the powers, duties and responsibilities, authorized in the Tennessee Code Annotated §13-4-101 et. seq..

**NOW, LET IT BE FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Kimball Board of Mayor and Aldermen, the public welfare requiring it.

  
MAYOR, TOWN OF KIMBALL, TENNESSEE

ATTEST:   
CITY RECORDER

PASSED ON FIRST READING: FEBRUARY 1, 1996

PASSED ON SECOND READING: MARCH 7, 1996

AN ORDINANCE ALLOWING THE ASSIGNMENT FROM PCI SUN CABLEVISION LIMITED PARTNERSHIP TO HPI ACQUISITION CO. LLC, A DELAWARE LIMITED LIABILITY COMPANY, OF THE NON-EXCLUSIVE FRANCHISE GRANTED BY ORDINANCE NUMBERS 37, 40, and 99, AND TO FURTHER EXTEND SAID NON-EXCLUSIVE FRANCHISE SO THAT IT WILL EXPIRE TEN (10) YEARS FROM THE EFFECTIVE DATE OF PASSAGE OF THIS ORDINANCE AND TO AMEND SAID ORDINANCE NUMBERS 37, 40, AND 99.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee ordained and enacted a certain Ordinance Number 37 dated June 9, 1978 (the "Franchise") granting a non-exclusive franchise to operate and maintain a community antenna television (CATV) system within the Town; and

WHEREAS, said Ordinance was subsequently amended by the Board of Mayor and Aldermen by virtue of Ordinance Numbers 40 and 99; and

WHEREAS, the rights under the Franchise are now held by PCI Sun Cablevision Limited Partnership, a Delaware Limited Partnership ("PCT"); and

WHEREAS, the approval by the Town of Kimball is required to transfer the Franchise; and

WHEREAS, PCI has entered into an Asset Purchase and Sale Agreement (the "Agreement") dated April 8, 1996 with Helicon Partners I, L.P., a Delaware Limited Partnership ("Helicon") which provides for Helicon to acquire from PCI the cable television system serving the Town and the Franchise; and

WHEREAS, Helicon has assigned all of its rights, title and interest in, to and under the Agreement to HPI Acquisition Co. LLC ("HPI"), a Delaware Limited Liability Company and a direct majority owned subsidiary of Helicon, and HPI has accepted such assignment; and

WHEREAS, PCI and HPI are seeking the consent of the Town of Kimball for the assignment of the Franchise to HPI; and

WHEREAS, pursuant to the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"), PCI and HPI have submitted to the Town of Kimball a Form 394-Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise; and

WHEREAS, the Town of Kimball is willing to consent to the assignment of the Franchise granted by virtue of Ordinance Numbers 37, 40 and 99; and

WHEREAS, HPI has requested that the term of the Franchise be extended such that it will expire ten (10) years from the effective date of this Ordinance, and the Town of Kimball has agreed to so extend the term of the Franchise.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, and State of Tennessee:

SECTION 1: The Town of Kimball, Tennessee does hereby consent to the transfer by PCI to HPI of all of PCI's right, title and interest in, and duties and obligations arising under the Franchise as set out in Ordinance Numbers 37, 40 and 99. This consent and the remaining provisions of this Ordinance are contingent upon HPI confirming in writing to the attention of the Mayor of the Town of Kimball, Tennessee, that it assumes all duties and obligations imposed upon the Franchisee pursuant to the provisions of Ordinance Numbers 37, 40, and 99, subject to the extension of the term thereof as provided in Section 2 hereinafter.

SECTION 2: The term of the Franchise as provided for in Ordinance Number 37 is hereby extended so that the Franchise shall expire on the date that is ten (10) years after the date of second and final reading of this Ordinance.

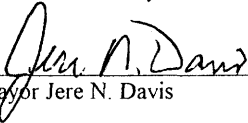
SECTION 3: The Town of Kimball does hereby approve the assignment, mortgage, pledge or other encumbrance of the assets of HPI, including the Franchise as collateral of any loan to or financing of HPI.

SECTION 4: Cable television shall be furnished to the Town of Kimball and its inhabitants under Franchise granted to PCI Sun Cablevision by the Board of Mayor and Aldermen of the Town pursuant to Ordinance Numbers 37, 40 and 99, and as assigned to HPI Acquisition Co. LLC pursuant to this Ordinance. The rights, powers, duties and obligations of the Town of Kimball and of its Franchisee are clearly stated in the Franchise Agreement, which shall be binding upon the parties concerned.

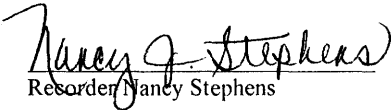
SECTION 5: Should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 6: This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on second and final reading on the 6 day of June, 1996.

  
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Mayor Jere N. Davis

ATTEST:

  
\_\_\_\_\_  
Recorder Nancy Stephens

Passed on 1st reading: 5-21-96  
Passed on 2nd reading: 6-6-96

ORDINANCE NO. 108

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall be applicable to the Official Zoning Map of Kimball, Tennessee.

**Section 2** This map amendment shall include the property along the northern right-of-way at the southeastern end of Old Dixie Highway and found on Marion County Tax Map Number 133, including Parcel Numbers 103.00, 104.00 and 105.00.

**Section 3** The aforementioned property, further illustrated on the attached map, shall be rezoned from R-1 Low Density Residential to R-2 High Density Residential.

**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, the public welfare requiring it.

**FIRST READING:** 8-8-96

Public Hearing +

**SECOND READING:** 9-10-96

  
\_\_\_\_\_  
Mayor

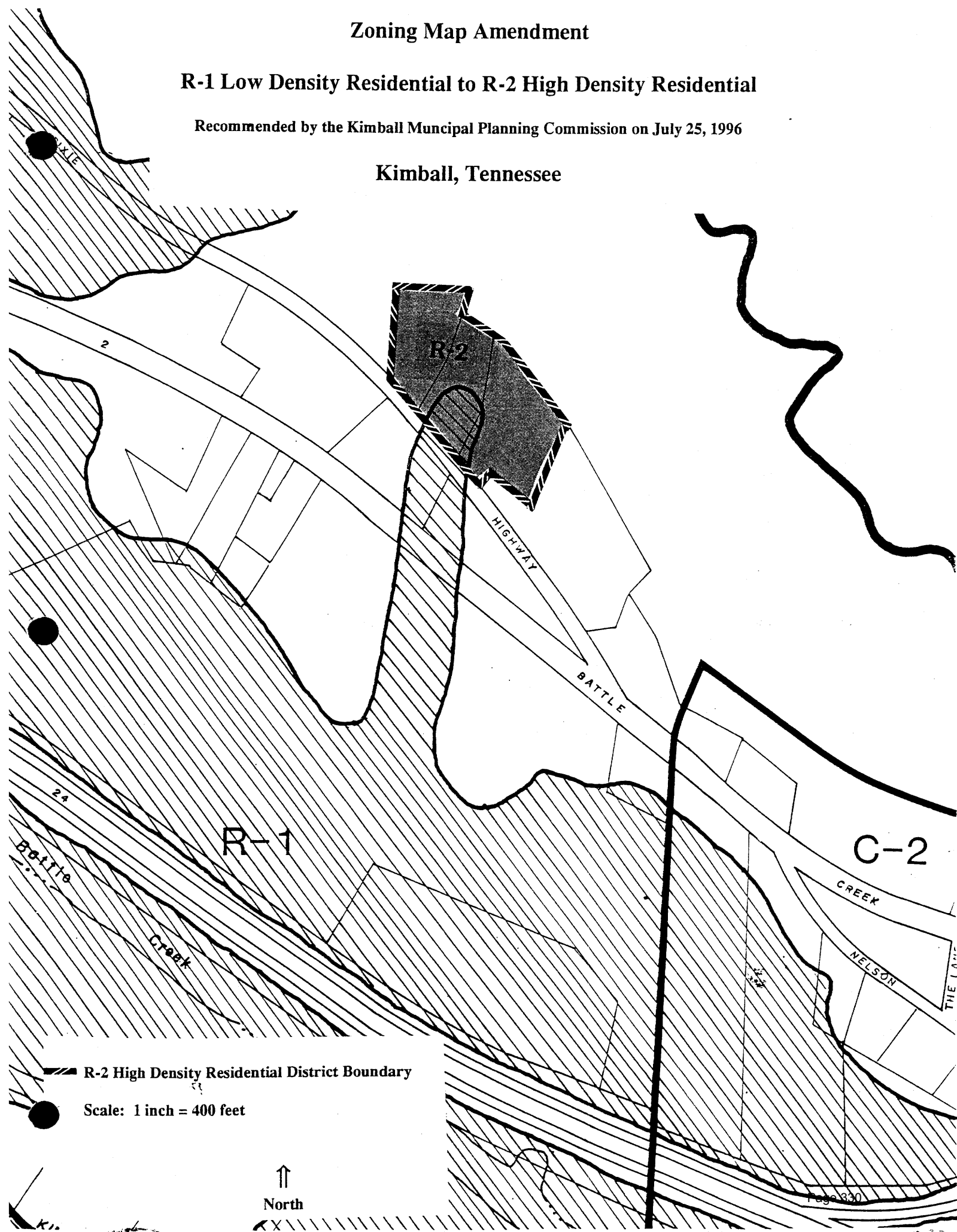
**ATTEST**   
\_\_\_\_\_  
City Recorder


# Zoning Map Amendment


## R-1 Low Density Residential to R-2 High Density Residential

Recommended by the Kimball Municipal Planning Commission on July 25, 1996

Kimball, Tennessee



 R-2 High Density Residential District Boundary

 Scale: 1 inch = 400 feet

  
North

TOWN OF KIMBALL, TENNESSEE  
 PROJECTED BUDGET  
 1996--97

GENERAL FUNDREVENUES

## TAXES

LOCAL SALES TAX	555,000.
LOCAL BEER TAX	65,000.
PROPERTY TAX	28,000.
GROSS RECEIPT TAX	75,000.
HOTEL-MOTEL TAX	62,500.

TOTAL TAXES 785,500.

## LICENSES AND PERMITS

BEER LICENSES	1,000.
BUILDING, TRAILER AND SIGN PERMITS	34,000.

TOTAL LICENSES AND PERMITS 35,000.

## RECEIPTS FOR USE OF FACILITIES

RENTAL--AMBULANCE	5,400.
RENTAL--MARION CO. 9-1-1 BUILDING	9,800.

TOTAL RENTAL 15,200.

## INTERGOVERNMENTAL REVENUES

STATE OF TENNESSEE SALES TAX	60,000.
STATE OF TENNESSEE BEER TAX	700.
STATE OF TENNESSEE STREET & TRANSPORTATION FUNDS	3,500.
STATE INCOME TAX	1,700.
TVA REPLACEMENT INCOME	7,000.

TOTAL INTERGOVERNMENTAL REVENUES 72,900.

## OTHER REVENUES

INTEREST AND PENALTIES	300.
GARBAGE FEES	8,500.
COURT FINES	45,000.
FRANCHISE FEES	3,700.
INTEREST	5,000.
RECORDER FEES	500.
FIRE FUND	--0-
DRUG MONIES	--0-

OTHER REVENUES CONTINUED:

LITIGATION TAX	700.
ACCIDENT AND MISCELLANEOUS REPORTS	4,000.
MISCELLANEOUS	5,200.
TOTAL OTHER REVENUES	72,900.
TOTAL REVENUES	981,500.

TOWN OF KIMBALL, TENNESSEE  
PROJECTED BUDGET  
1996--97

GENERAL FUND

EXPENDITURES

WAGES--PERMANENT EMPLOYEES	63,000.
WAGES--BLDG. INSPECTOR	10,500.
HOSPITAL AND HEALTH INSURANCE	75,000.
RETIREMENT	5,000.
PAYROLL TAXES	25,000.
ADVERTISING, SUBSCRIPTIONS AND DUES	2,000.
MISCELLANEOUS	35,000.
UTILITIES	25,000.
LEGAL SERVICES	6,500.
ACCOUNTING AND AUDITING SERVICES	8,000.
OTHER CONTRACTUAL SERVICES (9-1-1 PAYROLL ETC.)	95,000.
OTHER PROFESSIONAL SERVICES (PARTNERSHIP & PLAN. COMM.)	7,000.
OFFICE SUPPLIES AND MATERIALS	2,500.
JANITORIAL SUPPLIES	600.
INSURANCE ON BUILDINGS	40,000.
INTEREST	-0-
BUILDINGS--MAINT. & 9-1-1 PAYMENTS	15,000.
IMPROVEMENTS OTHER THAN BUILDING	100,000.
MACHINERY AND EQUIPMENT	10,000.
 SUB-TOTAL	 525,100.

POLICE--PUBLIC SAFETY

WAGES	170,000.
REPAIR AND MAINTENANCE SERVICE	10,000.
OFFICE SUPPLIES AND MATERIALS	1,000.
CLOTHING AND UNIFORMS	2,400.
GAS, OIL, DIESEL FUEL ETC.	15,000.
MISCELLANEOUS	10,000.
 SUB-TOTAL	 208,400.

FIRE --PUBLIC SAFETY

REPAIR AND MAINTENANCE SERVICE	5,000.
MEALS AND ENTERTAINMENT	1,000.
SAFETY SUPPLIES	500.
MACHINERY AND EQUIPMENT	100,000.
MISCELLANEOUS	10,000.
 SUB-TOTAL	 116,500.



TOWN OF KIMBALL, TENNESSEE  
PROJECTED BUDGET  
1996--97

SANITATION DEPARTMENT ---PUBLIC SAFETY

WAGES	33,600.
REPAIR AND MAINTENANCE SERVICE	10,000.
LANDFILL SERVICES	20,000.
UNIFORMS	900.
MISCELLANEOUS	1,000.
SUB-TOTAL	65,500.
TOTAL PUBLIC SAFETY	390,400.
TOTAL EXPENDITURES	915,500.

TOWN OF KIMBALL, TENNESSEE  
PROJECTED BUDGET  
1996--97

STATE STREET AID FUND

REVENUE

STATE GAS TAX	35,000.
INTEREST	400.
OTHER NON-OPERATING REVENUES	-0-
TOTAL REVENUE	35,400.

EXPENDITURES

ROAD MATERIALS AND REPAIRS	2,300.
SLAARIES	14,600.
UTILITIES	14,000.
PAYROLL TAXES	1,000.
VEHICLE MAINTENANCE	1,000.
MISCELLANEOUS	2,500.
TOTAL EXPENDITURES	35,400.

TOWN OF KIMBALL, TENNESSEE  
PROJECTED BUDGET  
1996--97

SEWER FUND

REVENUES

NON-OPERATING INCOME	27,600.
INTEREST EARNINGS	1,000.
TRANSFER FROM GENERAL FUND	17,500.
OTHER NON-OPERATING INCOME	1,000.
TOTAL REVENUES	47,100.

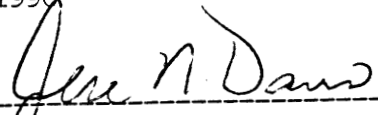
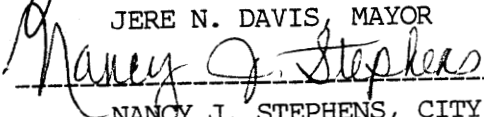
EXPENDITURES:

SALARIES	-0-
ELECTRIC	3,000.
REPAIRS	2,000.
SEWER SAMPLES AND PROFESSIONAL SERVICES	5,000.
DEPRECIATION	14,300.
INTEREST EXPENSE	11,700.
MISCELLANEOUS	5,000.
TOTAL EXPENDITURES:	41,000.

PASSED ON FIRST READING:  
PASSED ON SECOND AND  
FINAL READING

AUGUST 8, 1996

SEPTEMBER 5, 1996

  
-----  
JERE N. DAVIS, MAYOR  
  
-----  
NANCY J. STEPHENS, CITY RECORDER

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall be applicable to the Official Zoning Map of Kimball, Tennessee.

**Section 2** This map amendment shall include the extension of the C-2 Highway Business District into nineteen and eighty-three one hundredths (19.83) acres, more or less, of property immediately northeast of the "Kimball Crossing" Shopping Center which is currently zone R-1 Low Density Residential District.

**Section 3** The C-2 Highway Business District zoning boundary extension is further illustrated on the attached map.

**THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, the public welfare requiring it.

**FIRST READING:** Sept. 5, 1996

**SECOND READING:** Oct. 3, 1996

Gene N. Davis  
Mayor

**ATTEST** Nancy J. Stephens  
City Recorder

# Official Zoning Map Amendment C-2 Highway Business District Boundary Extension

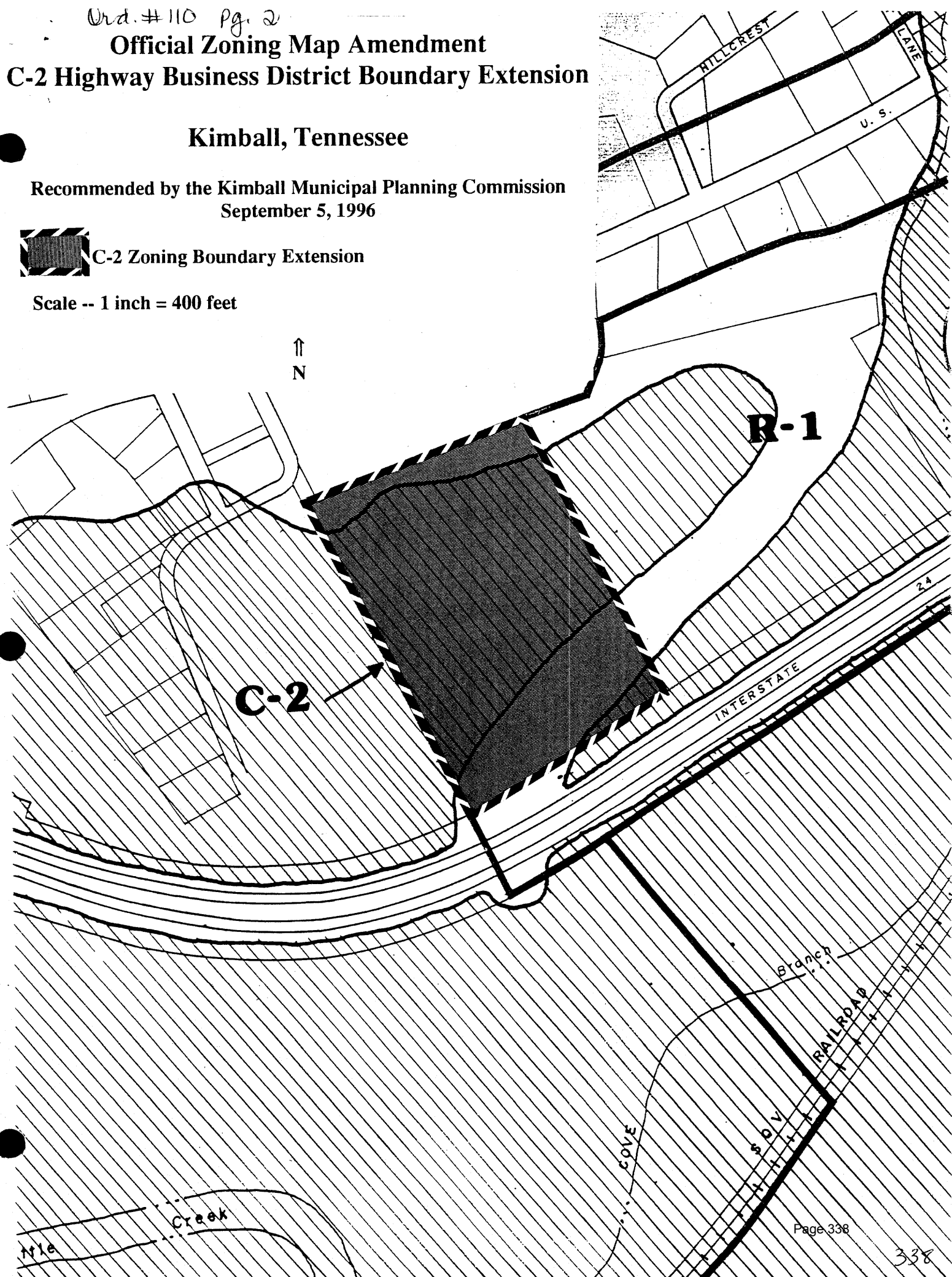
## Kimball, Tennessee

Recommended by the Kimball Municipal Planning Commission  
September 5, 1996



C-2 Zoning Boundary Extension

Scale -- 1 inch = 400 feet



R-1

C-2

INTERSTATE

Stone

RAILROAD

COVE

Creek

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The zoning amendment herein described shall be applicable to the Official Zoning Map of Kimball, Tennessee.

**Section 2** This zoning map amendment shall extend the C-2 Highway Business District to the rear of property along the southern right-of-way of Main Street (or U.S. Highway 41) and shall include: (1) the rear portion of Parcel 005.00, Marion County Tax Map Number 132A; (2) the rear portion of Parcel 056.00, Marion County Tax Map Number 132, and; (3) all of Parcel 056.03, Marion County Tax Map Number 132.

**Section 3** The aforementioned C-2 Zoning Extension is further illustrated on the attached section of the Official Zoning Map for Kimball, Tennessee.

**THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, the public welfare requiring

*motion recorded 10/3/96; Did not pass - Ms. —*

**FIRST READING:** Sept. 10, 1996

**SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
**Mayor**

**ATTEST** \_\_\_\_\_  
**City Recorder**

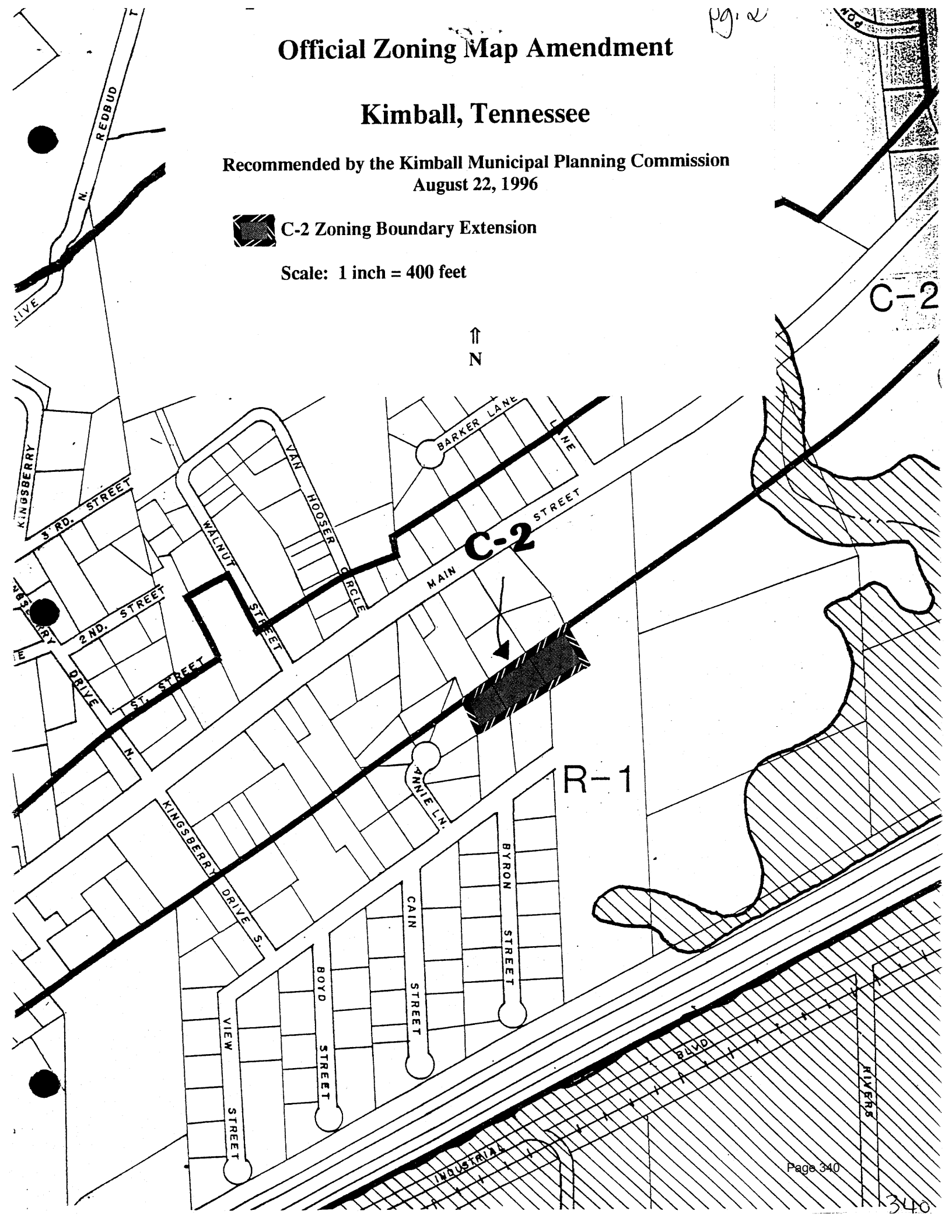
# Official Zoning Map Amendment

## Kimball, Tennessee

Recommended by the Kimball Municipal Planning Commission  
August 22, 1996

 C-2 Zoning Boundary Extension

Scale: 1 inch = 400 feet



ORDINANCE NUMBER 111

AN ORDINANCE TO CLOSE THOSE UNOPENED PORTIONS  
OF LYONS STREET, LADD AVENUE, AND BOYD STREET  
LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY  
OF JOANN ROBERTS WARREN.

WHEREAS, a plat was recorded in 1935 of the B.F. Boyd Subdivision of Kimball in Book WWW, page 157, Register's office of Marion County, Tennessee; and

WHEREAS, portions of those streets designated as Lyons Street, Ladd Avenue, and Boyd Avenue located within the boundaries of the property of Joann Roberts Warren, which she inherited from her parents, George Roberts and wife, Anna Roberts, have never been opened; and

WHEREAS, Joann Roberts Warren and her husband, James R. Warren, obtained preliminary approval from the Kimball Planning Commission for Thach Meadows Subdivision, which will be situated upon a portion of the properties of Joann Roberts Warren, and said subdivision will include a roadway, fifty (50) feet in width to be dedicated by the subdivision owners, which will constitute an extension of Boyd Avenue, to be later named, which will serve said subdivision; and

WHEREAS, the actions of the Kimball Planning Commission and the acceptance of said new road impliedly indicates an abandonment of those portions of unopened Lyons Street, Ladd Avenue, and Boyd Street, as above stated, however, the owner of said subdivision has requested this formal abandonment in ordinance form; and

WHEREAS, the Board of Mayor and Aldermen do determine it to be in the best interest of the Town for the development of a new subdivision to abandon said roadways, which have never been opened.

NOW, THEREFORE, BE IT ORDAINED and enacted by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, and State of Tennessee:

SECTION 1: That those portions of Lyons Street, Ladd Avenue, and Boyd Avenue as set forth on the plat of B.F. Boyd Subdivision of Kimball of record in Book WWW, page 157, Register's office of Marion County, Tennessee, as located within the boundaries of the properties owned by Joann Roberts Warren, which property she inherited from her parents, George Roberts and wife, Anna Roberts, be and the same are hereby abandoned by the Town of Kimball, Tennessee.

SECTION 2: The Mayor of the Town of Kimball, Tennessee, is further authorized to execute a quit-claim deed to Joann Roberts Warren conveying any and all right, title and interest of any nature that the Town might have in and to those portions of said Lyons Street, Ladd Avenue, and Boyd Avenue, which have never been opened or utilized by the Town and are located within the confines of the properties of Joann Roberts Warren.



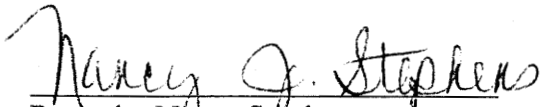
SECTION 3: Should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4: This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on second and final reading on the 17 day of October, 1996.

  
\_\_\_\_\_  
Mayor Jere N. Davis

ATTEST:

  
\_\_\_\_\_  
Recorder Nancy Stephens

Passed on 1st reading: October 15, 1996

Passed on 2nd reading: October 17, 1996

ORDINANCE NO. 111.5

AN ORDINANCE TO AMEND THE  
OFFICIAL ZONING MAP FOR THE TOWN  
OF KIMBALL, TENNESSEE

WHEREAS, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

WHEREAS, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

Section 1 The amendment herein described shall include the extension of the R-1 Low Density Residential District on the Official Zoning Map of Kimball, Tennessee.

Section 2 This map amendment shall include the property along the southern right-of-way of Highway 41 (Main Street) and shall be identified on Marion County Tax Map Number 132-A and the attached portion of the Kimball Zoning Map.

Section 3 Beginning at the terminus of the R-1 Low Density Residential District on the eastern right-of-way of Kingsberry Drive South; thence in a northwesterly direction, following the eastern right-of-way of Kingsberry Drive South, for a distance of 200 feet more or less to the rear property line of Parcel Number 13 (Tax Map # 132-A); thence following the rear property line of said parcel in an northeasterly direction for a distance of 350 feet more or less; thence in a northeasterly direction, maintaining a distance of no greater than 190 feet more or less and no less than 170 feet more or less from the Highway 41 (Main Street) rightway, for a distance of 280 feet more or less to the southwest lot corner of Parcel Number 9 (Tax Map # 132-A); thence following the rear lot line of Parcel Numbers 9 and 8 (Tax Map # 132-A) in a northeasterly direction for a distance of 310 feet more or less; thence in a northeasterly direction, maintaining a distance of no less than 180 feet more or less and no greater than 205 feet more or less from the Highway 41 (Main Street) rightway, for a distance of 270 feet more or less to the rear lot line of Parcel Number 4 (Tax Map # 132-A); thence following the rear lot line of Parcel Number 4 (Tax Map # 132-A) and continuing for a distance of 320 feet more or less, while maintaining a distance of no less or no greater than 205 feet from the Highway

41 (Main Street) right-of-way; thence in a southeasterly direction for a distance of 130 feet more or less, terminating at the existing boundary of the R-1 Low Density Residential District.

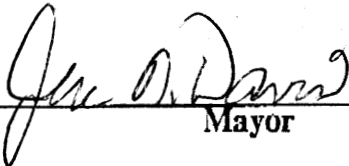
**Section 4** The aforementioned property is further illustrated on the attached portion of the Official Zoning Map of Kimball, Tennessee.

**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, the public welfare requiring it.

**FIRST READING:** 3-6-97

*Public Hearing*

**SECOND READING:** 7-3-97

  
\_\_\_\_\_  
Mayor

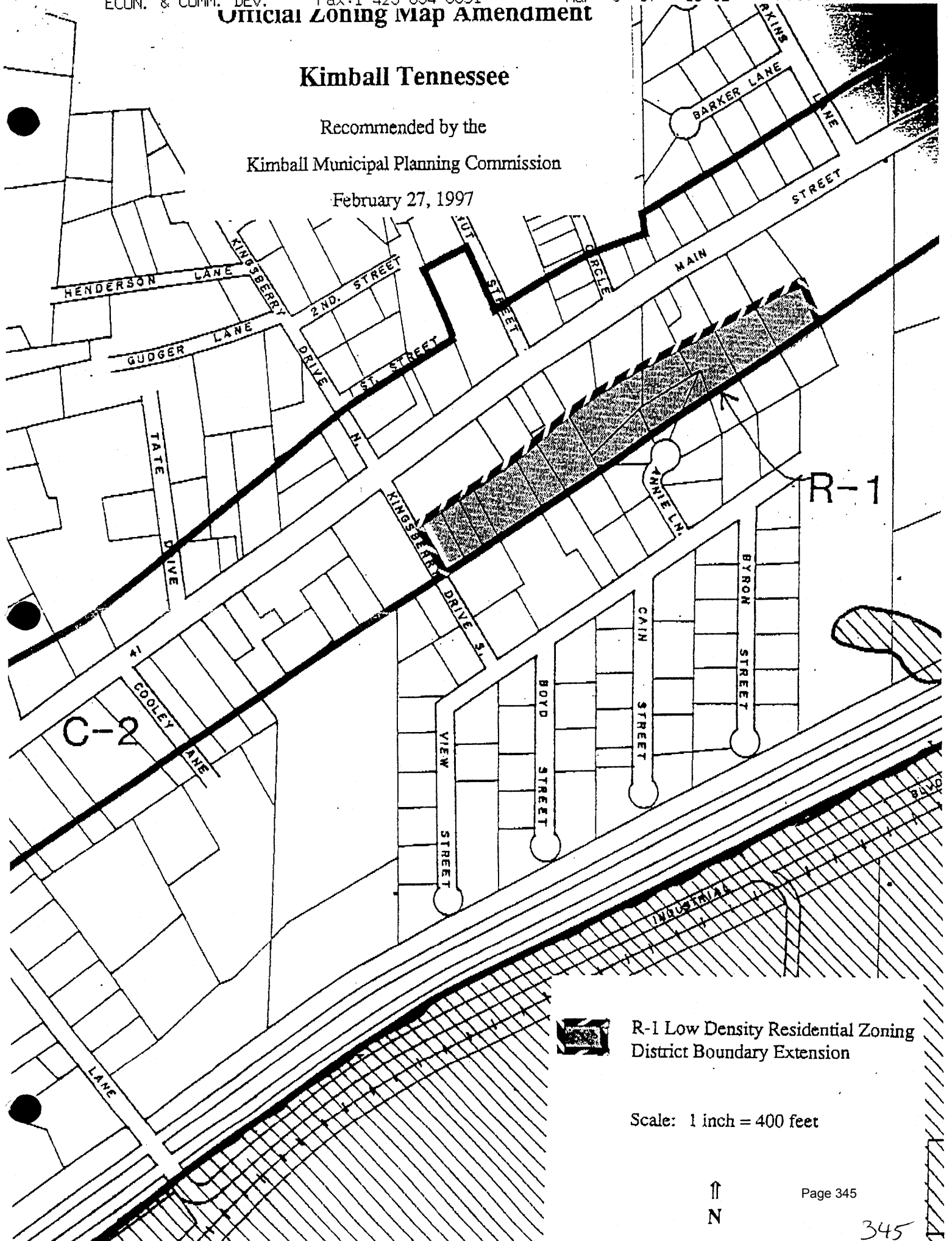
**ATTEST**   
\_\_\_\_\_  
City Recorder

# Official Zoning Map Amendment

## Kimball Tennessee

Recommended by the  
Kimball Municipal Planning Commission

February 27, 1997



R-1

C-2



R-1 Low Density Residential Zoning District Boundary Extension

Scale: 1 inch = 400 feet



**ORDINANCE TO AMEND ORDINANCE NO. 106  
DESIGNATING THE NUMBER OF MEMBERS ON THE  
KIMBALL MUNICIPAL PLANNING COMMISSION**

**WHEREAS**, the authority of Tennessee Code Annotated §13-4-101 empowers the chief legislative body of Municipalities to establish Municipal Planning Commissions; and

**WHEREAS**, the Board of Mayor and Alderman, being the chief legislative body of the Town of Kimball, Tennessee, has established a municipal planning commission, with all of the powers, duties and responsibilities enabled by State law and Tennessee Code Annotated §13-4-101, et seq, for the Town of Kimball, Tennessee; and

**WHEREAS**, Ordinance No. 56 adopted on final reading on October 30, 1986 by the Kimball Board of Mayor and Alderman, designated the Marion County Regional Planning Commission as the Planning Commission of the Municipality of Kimball, Tennessee and delegated the municipal planning authority of Kimball, Tennessee to the Marion County Regional Planning Commission; and

**WHEREAS**, the Kimball Board of Mayor and Alderman subsequently enacted Ordinance No. 103 which was adopted on final reading on October 5, 1995, wherein the Kimball Board of Mayor and Alderman replaced the Marion County Regional Planning Commission with the Town of Kimball Municipal Planning Commission as the Planning Commission of the municipality, with said municipal planning commission to have planning and development jurisdiction for the Town of Kimball within its municipal boundaries; and

**WHEREAS**, Ordinance No. 106, adopted on final reading on March 7, 1996, repealed Ordinance No. 6 and enacted the provisions of No. 103 by establishing the Kimball Municipal Planning Commission as the sole municipal planning authority for the Town of Kimball with all the powers, duties and responsibilities authorized in Tennessee Code Annotated §13-4-101, et seq; and

**WHEREAS**, the Kimball Board of Mayor and Alderman deem it necessary to increase the number of commissioners upon the Kimball Municipal Planning Commission from five members to seven members as is provided in Tennessee Code Annotated §13-4-101, et seq. and hereby amends Ordinance No. 106 by adding Section Three as contained in this ordinance.

**NOW THEREFORE**, be it ordained and enacted by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, that ordinance 106 is amended as follows:

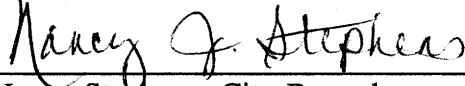
Section Three: The Kimball Municipal Planning Commission shall consist of seven members to be appointed by the Mayor pursuant to the Provisions of Tennessee Code Annotated §13-4-101, et seq.

Section Four: Should any provision of this ordinance be deemed invalid by any Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

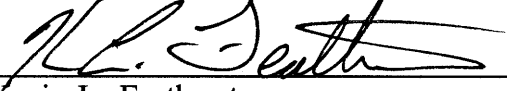
PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 4 day of September, 1997.

  
\_\_\_\_\_  
JERRY N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Stephens, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading 8-25-97.

Passed on second reading 9-4-97.

**ORDINANCE TO AMEND ORDINANCE NO. 94  
REGARDING COMPENSATION FOR THE MAYOR  
AND ALDERMAN FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 94, of the Town of Kimball, Tennessee, Ordinance No. 31 was amended to provide that the Mayor of the Town of Kimball shall receive compensation in the amount of \$650.00 per month, and that each alderman of the Town of Kimball shall receive compensation in the amount of \$200.00 per month for attendance at regularly monthly Board meetings as therein stated; and

**WHEREAS**, it is now the desire of the Mayor and Alderman of the Town of Kimball to increase the compensation of said Mayor and Alderman by deleting Section One of Ordinance No. 94 in its entirety and substituting the following language in lieu thereof.

**NOW THEREFORE**, be it ordained and enacted by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, as follows:

**Section One:** That Section One of Ordinance No. 94 of the Town of Kimball be and the same is hereby deleted in its entirety, and the following shall be substituted in lieu thereof;

Compensation of Mayor and Alderman. The position of the Mayor of the Town of Kimball shall be paid by the Town of Kimball as salary in the amount of \$1,000.00 per month.

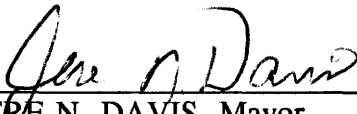
Each Alderman of the Town of Kimball shall receive compensation in the amount of \$400.00 per month.

**Section Two:** That the annual budget for the Town of Kimball for the physical year July 1, 1997 through June 30, 1998 shall be and is hereby amended to reflect this increase in compensation for the Mayor and Alderman. There are adequate revenues available for the payment of these increased expenditures.

**Section Three:** That this ordinance shall take affect and be in force from and after final passage on the second reading thereof and publication, the public welfare requiring it. Compensation to be paid pursuant to the terms of this ordinance shall begin in the month in which this ordinance becomes effective.

**Section Four:** Should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

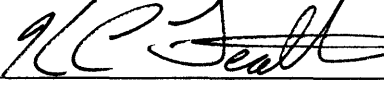
PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the \_\_\_\_ day of September, 1997.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Stephens, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading 8-25-97.

Passed on second reading 9-4-97.



ORDINANCE 115

ORDINANCE TO AMEND TOWN OF KIMBALL SEWER USE ORDINANCE  
TO INCREASE THE ANNUAL FEE FOR GREASE TRAPS OWNED BY  
DESIGNATED BUSINESS AND COMMERCIAL USERS

WHEREAS, the Town of Kimball has heretofore adopted it's Ordinance No. 41 for the regulation of sewer use; and

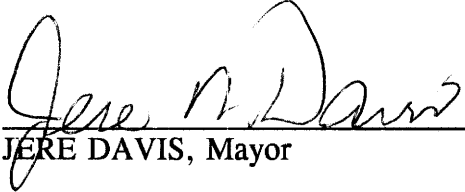
WHEREAS, said ordinance was amended by Ordinance 79 to require business and commercial users to install grease traps; and

WHEREAS, it has come to the attention of the Board of Mayor and Alderman of the Town of Kimball, Tennessee, that the treatment by the Town of said grease traps has increased in cost due to the additional environmental and safety concerns.

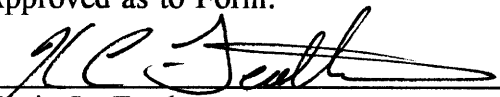
NOW, THEREFORE, be it ordained by the Board of Mayor and Alderman of the Town of Kimball that Ordinance No. 79, be and the same is hereby revised and amended by deleting the second paragraph of Section 3 in it's entirety and adding the following language:

"All users subject to the provisions of this ordinance shall pay an annual inspection fee in the amount of \$300.00 with the appropriate proportion of said amount to be remitted annually by the Town to the Building Inspector or the designated officials for services rendered in performing said inspections."

This Ordinance will take affect from the date it is approved, the public welfare requiring it.

  
\_\_\_\_\_  
JERE DAVIS, Mayor

  
\_\_\_\_\_  
Kay Keef, City Recorder

Approved as to Form:  
  
\_\_\_\_\_  
Kevin L. Featherston

Passed on First Reading 1-8-98, 1997.  
Passed on Second Reading 2-5-98, 1997.

**ORDINANCE TO AMEND ORDINANCE NO.51  
INCREASING THE GARBAGE COLLECTION  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 51, the Town of Kimball, Tennessee, enacted an Ordinance to provide for the establishment of a garbage collection fee, to provide for method of billing, and provide for service determination. In said ordinance, the pick up rate was established at \$3.00 per month but has subsequently been increased without modification of the Ordinance; and

**WHEREAS**, it is now the desire of the Mayor and Alderman of the Town of Kimball to increase the garbage collection fee from it's current rate of \$25.00 per month to the sum of \$40.00 per month effective January, 1 1998; and

**WHEREAS**, it is further the desire of the Mayor and Alderman of the Town of Kimball to accomplish this increase in the garbage collection rate by deleting Sections 1, 2, and 3 of Ordinance Number 51 in it's entirety and substituting the following language in lieu thereof.

**NOW THEREFORE**, be it ordained and enacted by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, as follows:

That Sections One, Two, and Three of Ordinance No. 51 of the Town of Kimball be and the same is hereby deleted in its entirety, and the following shall be substituted in lieu thereof;

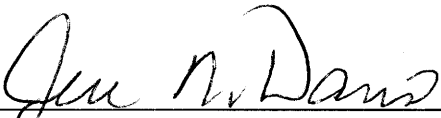
Section One: It is hereby established and imposed a garbage collection fee of \$40.00 per month for the users of the commercial garbage collection service within the Town of Kimball, Tennessee.

Section Two: The city recorder or assignee shall prepare for the beginning of each quarter has statements showing the total fee of \$120.00 due for the upcoming quarter and should mail or cause the same to be delivered to the user within 10 days after the quarter begins.

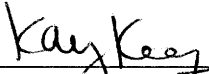
Section Three: Any person, or user failing to pay the fee hereby establish when and as the same became due, which further continues for a period 10 days from and after notice as provided in Section two shall have the service discontinued as the such personal user and shall not have same restored until all past due fees have been paid in full.

Section Four: That this Ordinance should take effect and be in force from and after the passage of the final reading thereof and publication, the public welfare requiring it.


PASSED AND APPROVED by the Board of Mayor and Alderman, the Public Welfare requiring it.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Kay Keel, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading 2-5-98

Passed on second reading 3-5-98

**ORDINANCE TO AMEND ORDINANCE NO. 114  
REGARDING COMPENSATION FOR THE MAYOR  
AND ALDERMAN FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 114, of the Town of Kimball, Tennessee, Ordinances No. 31 and No. 94 was amended to provide that the Mayor of the Town of Kimball shall receive compensation in the amount of \$1000.00 per month, and that each alderman of the Town of Kimball shall receive compensation in the amount of \$400.00 per month for attendance at regularly monthly Board meetings as therein stated; and

**WHEREAS**, it is now the desire of the Mayor and Alderman of the Town of Kimball to increase the compensation of the Mayor by deleting the Section One of Ordinance No. 94 in its entirety and substituting the following language in lieu thereof.

**NOW THEREFORE**, be it ordained and enacted by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, as follows:

**Section One:** That Section One of Ordinance No. 114 of the Town of Kimball be and the same is hereby deleted in its entirety, and the following shall be substituted in lieu thereof;

Compensation of Mayor and Alderman. The position of the Mayor of the Town of Kimball shall be paid by the Town of Kimball as salary in the amount of \$1,250.00 per month.

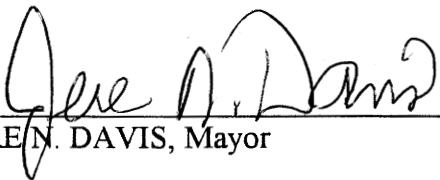
Each Alderman of the Town of Kimball shall receive compensation in the amount of \$400.00 per month.

**Section Two:** That the annual budget for the Town of Kimball for the physical year July 1, 1997 through June 30, 1998 shall be and is hereby amended to reflect this increase in compensation for the Mayor and Alderman. There are adequate revenues available for the payment of these increased expenditures.

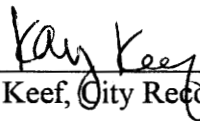
**Section Three:** That this ordinance shall take affect and be in force from and after final passage on the second reading thereof and publication, the public welfare requiring it. Compensation to be paid pursuant to the terms of this ordinance shall begin in the month in which this ordinance becomes effective.

**Section Four:** Should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.


PASSED AND APPROVED by the Board of Mayor and Alderman, the Public Welfare requiring it.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Kay Keef, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading 2-5-98

Passed on second reading 3-5-98

ORDINANCE NO. 117

Rejected by  
board at 6-4-98  
meeting.  
Ray Key

**ORDINANCE TO AMEND ORDINANCE NO. 2,11,28, & 78  
RELATIVE TO THE ON PREMISE AND THE OFF PREMISE SALE OF BEER OR  
OTHER BEVERAGES OF LIKE ALCOHOLIC CONTENT WITHIN THE CORPORATE  
LIMITS OF THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 78, the Town of Kimball, Tennessee, has adopted a complete uniform ordinance regarding the sale of beer or other beverages of like alcoholic content with said ordinance amending ordinances number 2, 11, & 28; and

**WHEREAS**, by Ordinance No. 78, it was unlawful for any person, firm, corporation or association to sell or distribute beer for on premise consumption within the corporate limits of The Town of Kimball, Tennessee between the hours of 12:00 midnight and 6:00 a.m. on weekdays and Saturdays and between the hours of 12:00 midnight and 12:00 noon on Sundays; and

**WHEREAS**, the Mayor and Board of Alderman are desirous of amending said Ordinance No. 78 for the purpose of changing the hours allowed for on premise consumption.

**NOW, THEREFORE**, be it ordained and enacted by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, as follows:

**Section One:** The first paragraph of section six (6) of Ordinance No. 78 is deleted in its entirety and the following language is substituted in lieu thereof:

It shall hereafter be unlawful for any person, firm, corporation, or association to sell or distribute beer for on-premise consumption within the corporate limits of the Town of Kimball, Tennessee, between the hours of 1:00 a.m. and 6:00 am. on weekdays and Saturdays, and between the hours of 1:00 a.m. and 12:00 noon on Sundays.

**Section Two:** This Ordinance shall take effect from and after its final passage and publication as required by law, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Alderman on the second and final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

\_\_\_\_\_  
Kay Keef, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading \_\_\_\_\_.

Passed on second reading \_\_\_\_\_.

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO ALLOW FOR THE REPLACEMENT OF SINGLE WIDE MOBILE HOMES IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1.** The amendment herein described shall be applicable to Chapter 5 EXCEPTIONS AND MODIFICATIONS of the Official Zoning Ordinance of Kimball, Tennessee.

**Section 2.** Section 5.020 NON-CONFORMING USES, subsection 3) shall be deleted in its entirety and shall be replaced with the following:

- 3) When a non-conforming use of any structure or land, excepting non-conforming mobile home parks, has been discontinued for a period of 6 months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. Immediately upon the removal of a non-conforming mobile home park, the non-conformity of such structure or use of land shall lapse. When a non-conforming mobile home, on an individual lot, has been discontinued for a period of sixty (60) days it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance.

**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, the public welfare requiring it.

**FIRST READING:** 6-4-98

**SECOND READING:** 7-2-98

  
\_\_\_\_\_  
Mayor

**ATTEST**   
\_\_\_\_\_  
City Recorder



**ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 1998-1999**

**WHEREAS**, the Board of Mayor and Alderman of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 1998-1999.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

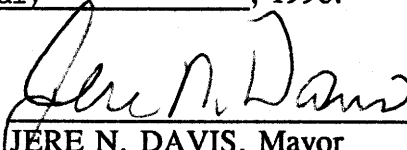
**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Alderman of the Town of Kimball, Tennessee:

**SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted as the budget for the Town of Kimball, Tennessee for the fiscal year 1998-1999.


**SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 1998, the public welfare of the Town of Kimball requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Alderman on the 2nd and final reading on the 2nd day of July, 1998.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kay Keef, City Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading June 25 \_\_\_\_\_, 1998.

Passed on second reading July 2 \_\_\_\_\_, 1998.

**Town of Kimball  
Projected Budget  
FY 1998-99**

<b>Revenues</b>		<b>\$1,289,150.00</b>
<b>Expenditures</b>		
<b>Salaries</b>		<b>\$ 363,310.00</b>
<b>Other</b>		<b>925,840.00</b>
	<b>Total</b>	<b>\$1,289,150.00</b>

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**Town of Kimball  
Sewer Fund  
Projected Budget  
FY 1998-99**

<b>Revenues</b>		<b>\$52,200.00</b>
<b>Expenditures</b>		
<b>Salaries</b>		<b>\$ 2,000.00</b>
<b>Other</b>		<b>\$40,200.00</b>
	<b>Total</b>	<b>\$42,200.00</b>

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**Town of Kimball  
State Street Aid Fund  
Projected Budget  
FY 1998-99**

<b>Revenues</b>		<b>\$86,450.00</b>
<b>Expenditures</b>		
<b>Salaries</b>		<b>\$15,500.00</b>
<b>Other</b>		<b>\$70,950.00</b>
	<b>Total</b>	<b>\$86,450.00</b>

**AN ORDINANCE TO ESTABLISH A  
PURCHASING POLICY FOR  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS** the legislature of the State of Tennessee has, in TCA Section 6-56-301 et seq, enacted the Municipal Purchasing Law of 1983, which sets forth the minimum requirements for a purchasing policy adopted by a municipality in the State of Tennessee; and

**WHEREAS** it as been determined by the Board of Mayor and Alderman that it would be in the best interest of the Town of Kimball, Tennessee to establish purchasing policy by ordinance.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Alderman of the Town of Kimball, Tennessee;

**SECTION ONE:** The Mayor and City Recorder are hereby appointed the Purchasing Agents for the Town of Kimball, Tennessee.

**SECTION TWO:** Any purchase in an amount less than \$2,500.00 shall require the use of a prenumbered Purchase Order. Said Purchase Orders are to be approved by a Purchasing Agent who is required to indicate that there is a sufficient balance in the unexpended appropriation to allow the expenditure and to indicate that the expenditure is in accordance with the purpose of the appropriation. All employees of the Town are to request purchase orders through their department liaison who shall forward them to the Purchasing Agents.

**SECTION THREE:** Any purchase in excess of \$2,500.00 shall made by the competitive bid process. When competitive bids are necessary, the following procedures must be followed prior any purchase or expenditure:

- a. Written specifications shall be prepared and included in any advertisement for bid.
- b. Upon receipts of any bids, the City Recorder shall mail copies of these specification to perspective bidders;
- c. The City Recorder shall maintain complete records of any bids or bid deposits received;
- d. All bids shall be advertised in the local newspaper at least one week prior to the scheduled opening of the bids;
- e. The Mayor and Board of Alderman shall hold a public bid opening at the time and place announced.

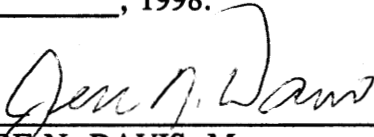
**SECTION FOUR:** Upon the receipt of a successful bid the Mayor and Board of Alderman may require the successful bidder to sign the written agreement after the contract has been awarded. A copy of said contract should be maintained in the town file. Any unsuccessful bid deposits shall be returned to said unsuccessful bidders after the contract is signed.

SECTION FIVE: If competitive bidding is unnecessary, the Purchasing Agent who is authorized to make purchases should obtain price quotations and avoid any purchase contract which may involve any potential conflict of interest on the part of a public official. A written record of any price quotations shall be kept in the Town's files.

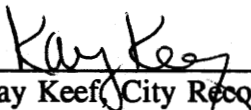
SECTION SIX: Should any part of this ordinance be held invalid by any court or jurisdiction that remaining part should be severable and should continue to be in full force and effect.

SECTION SEVEN: This Ordinance shall take effect from and after its final passage.

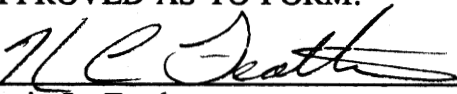
PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 2nd day of July, 1998.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Kay Keef, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading June 25, 1998.

Passed on second reading July 2, 1998.

**ORDINANCE TO ESTABLISH A TAX LEVY  
FOR THE CALENDAR YEAR 1998  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Town of Kimball, Tennessee has previously adopted Ordinance Number 36 for the purpose of levying a tax on all taxable property in said Town, which was amended by Ordinance Numbers 43, 74 and 86; and

**WHEREAS** in accordance with said Ordinances, the Board of Mayor and Alderman may amend the rate of tax as they deem necessary; and

**WHEREAS**, as the result of the resent appraisal of property by the State of Tennessee, said Board of Mayor and Alderman, has determined it necessary to establish the tax rate at \$0.11 dollars per one hundred dollars of assessed evaluation.

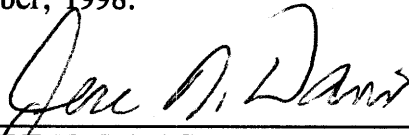
**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Alderman of the Town of Kimball, Tennessee;

**SECTION ONE:** There is hereby levied a tax for general purposes at a rate of \$0.11 dollars on each one hundred dollars of assessed evaluation on all taxable property within the Corporate limits of the Town of Kimball, Tennessee, for the calendar year ending December 31, 1998. This tax is levied in accordance with Ordinance Number 36, as amended by Ordinance Numbers 43, 74, and 86, and said rate shall be effective until changed by proper action of the Board of Mayor and Alderman

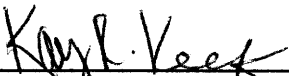
**SECTION TWO:** Should any part of this Ordinance be held invalid by any Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION THREE:** This Ordinance shall take effect from and after its final passage.

**PASSED AND APPROVED** by the Board of Mayor and Alderman on the 2nd and final reading on the 18th day of November, 1998.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kay Keef, City Recorder

APPROVED AS TO FORM:



Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading November 5, 1998.

Passed on second reading November 18<sup>th</sup>, 1998.

ORDINANCE NO. 123

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted under Tennessee Code Annotated (TCA) Section 13-7-201; and

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203,, The Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Alderman of the Town of Kimball, Tennessee; that,

Section 1. The amendment herein described shall replace the C-2 Highway Commercial District and R-1 Low Density Residential District that lie north of Battle Creek Road and Main Street with the C-2 Highway Commercial District.

Section 2. The property rezoned shall include approximately 130 acres, as shown on the attached map.

Section 3. BEGINNING that the intersection of the West right-of way line of Timber Ridge Drive and the North line of the Current C-2 Zone, Thence Northwardly along the West margin of Timber Ridge Drive 900 feet more or less to the 900 feet contour elevation sand the current North boundary of the City of Kimball; thence Westwardly with the 900 feet contour elevation and the City boundary 2800 feet more or less to a point in the West boundary of the Marion County property, thence Southwardly along the West boundary of said Marion County Property 700 feet more or less to the Current C-2 Zone; thence Eastwardly along the Northern margin of said Current C-2 Zone 4000 feet more or less to the Point of Beginning. The above described parcel is bounded on the East by Timber Ridge Drive, North



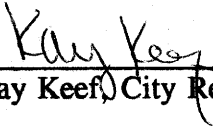
by the City Boundary or 900 feet Contour, on the West by the West line of the Marion County Tract which the Chattanooga State Community College now occupies, and on the South by the Current C-2 Zone.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Alderman, THE PUBLIC WELFARE REQUIRING IT.


PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 4<sup>th</sup> day of March, 1999.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Kay Keef, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

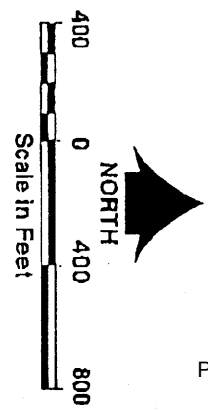
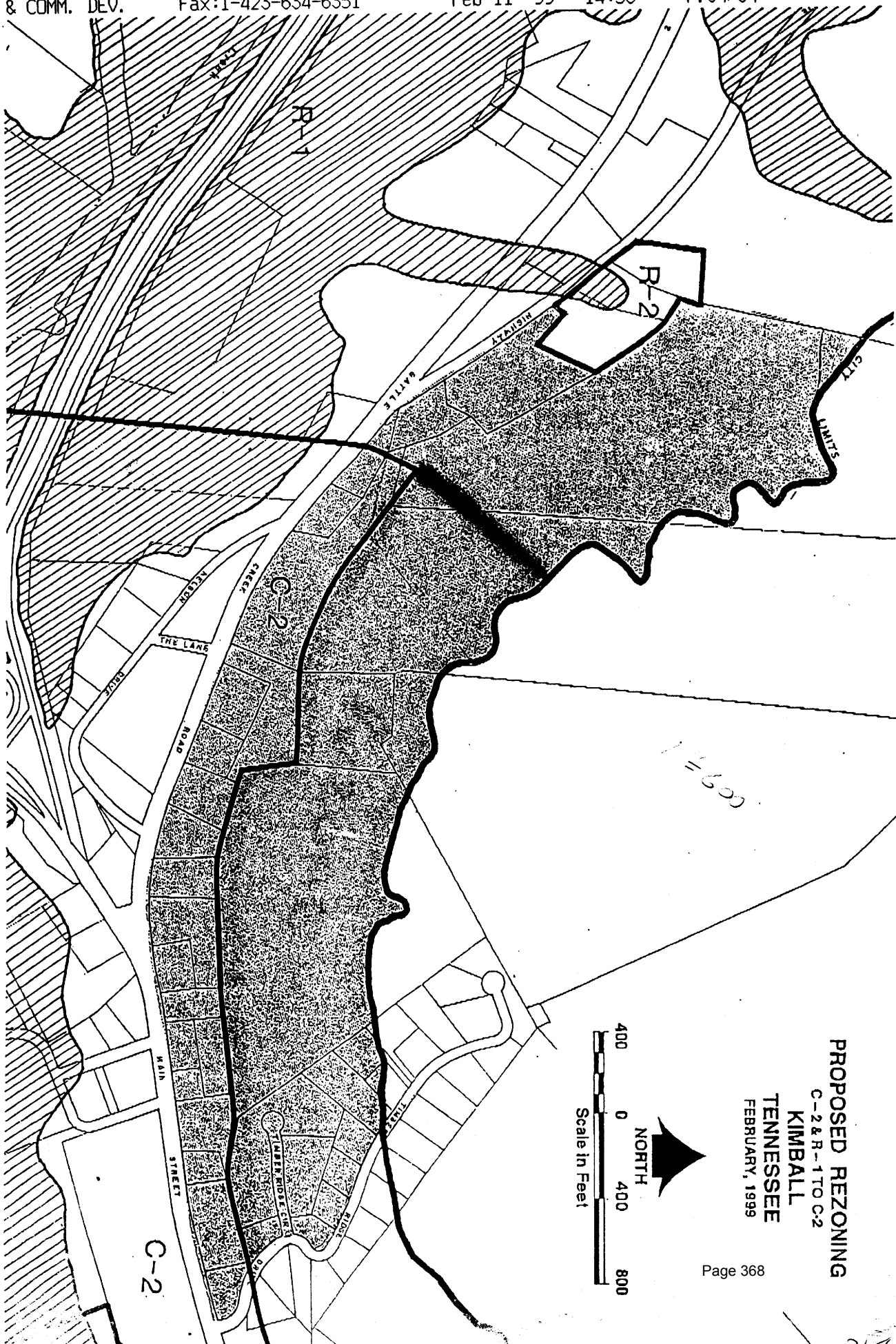
Passed on first reading 2-11-99.

Passed on second reading 3-4-99.

# LEGAL DESCRIPTION

## AREA TO BE REZONED FROM R-1 TO C-2

Beginning at the intersection of the West right-of-way line of Timber Ridge Drive and the North line of the Current C-2 Zone, Thence Northwardly along the West margin of Timber Ridge Drive 900' more or less to the 900' contour elevation and the current North boundary of the City of Kimball; thence Westwardly with the 900' contour elevation and the City boundary 2800 feet more or less to a point in the West boundary of the Marion County property, thence Southwardly along the West boundary of said Marion County Property 700 feet more or less to the Current C-2 Zone; thence Eastwardly along the Northern margin of said Current C-2 Zone 4000 feet more or less to the Point of Beginning. The above described parcel is bounded on the East by Timber Ridge Drive, North by the City Boundary or 900' Contour, on the West by the West line of the Marion County Tract which the Chattanooga State Community College now occupies, and on the South by the Current C-2 Zone.



**PROPOSED REZONING**  
 C-2 & R-1 TO C-2  
**KIMBALL**  
 TENNESSEE  
 FEBRUARY, 1999

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
FOR THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

WHEREAS, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace a portion of the R-2 High Density Residential District that lies south of Old Highway 41 and west of Derby Trail with the C-2 Highway Commercial District.

**Section 2** The property rezoned shall include approximately 1.3 acres, as shown on the attached map.

**Section 3** Beginning at a point, said point being the northwestern corner of parcel 55.26 on Marion County Tax Map 119, dated August 1998, thence, in a southeasterly direction along the property line of parcel 55.26 for a distance of 360 feet to a point, said point being the southernmost corner of parcel 55.26; thence, in a southwesterly direction (bearing S 26D 47' 25"W) for a distance of 92.29 feet to a point; thence, in a southwesterly direction (bearing S 17D 09' 82" W) for 30.63 feet to a point; thence, in a southwesterly direction bearing (S 31D 32' 41" W) for a distance of 34.32 feet to a point; thence, in a northwesterly direction bearing (N 47D 13' 00"W) for a distance of 404.63 feet to a point; thence, in a northeasterly direction bearing (N 42D 30' 00"E) for a distance of 150 feet to the point of beginning.

(Note: The description above is for rezoning purposes only and does set legal lot boundaries)

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, THE PUBLIC WELFARE REQUIRING IT.

FIRST READING: 2-11-99

SECOND READING: 3-4-99

  
\_\_\_\_\_  
Mayor

ATTEST   
\_\_\_\_\_  
City Recorder

# PROPOSED REZONING

R-2 TO C-2

KIMBALL

TENNESSEE

FEBRUARY, 1999

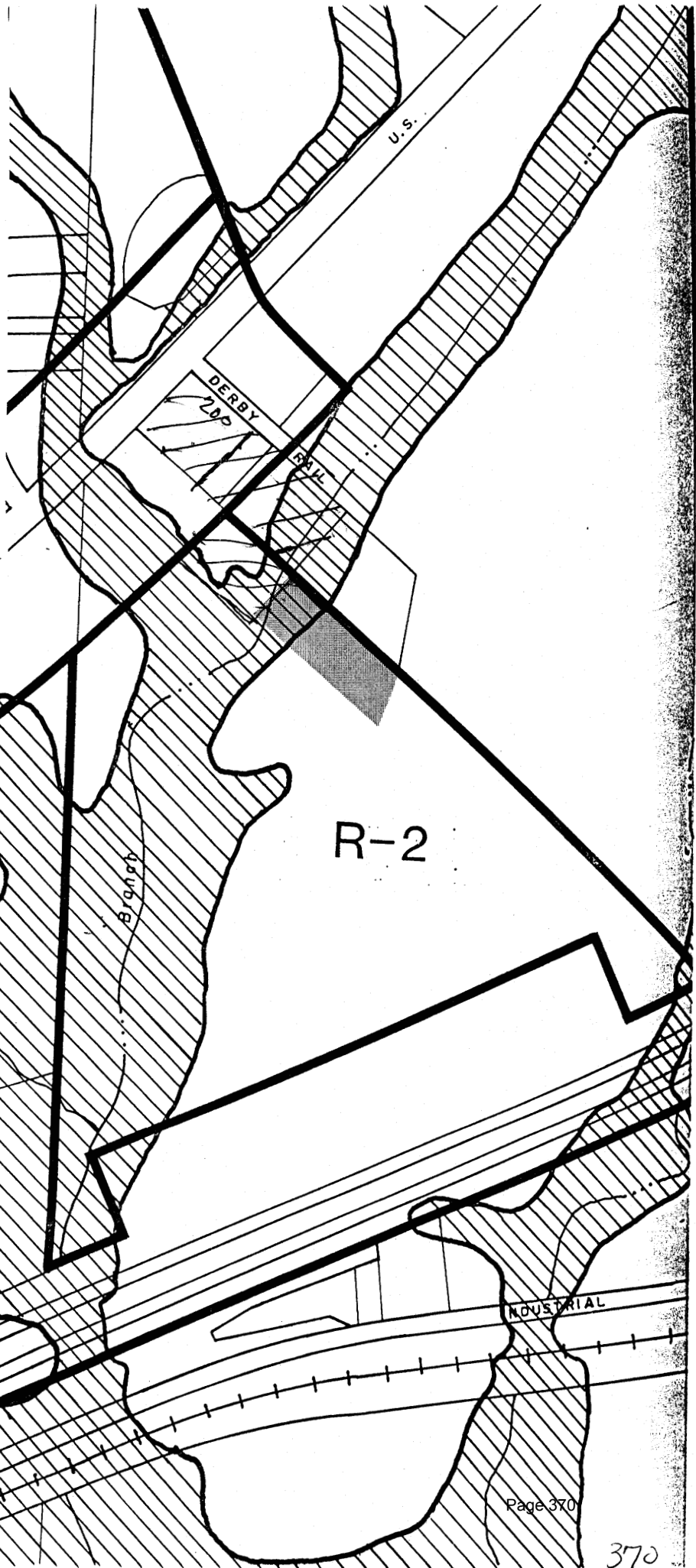


NORTH

400 0 400 800



Scale in Feet



**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO DECREASE THE MINIMUM LOT WIDTH AT THE BUILDING SETBACK LINE IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1.** The amendment herein described shall be applicable to Chapter 3: ZONING DISTRICTS of the Official Zoning Ordinance of Kimball, Tennessee.

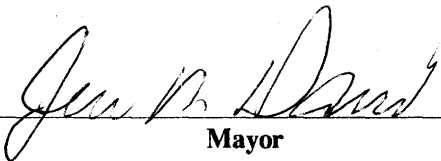
**Section 2.** Section 3.040A SPECIFIC DISTRICT REGULATIONS—RESIDENTIAL DISTRICT, subsection 4e shall be deleted in its entirety and the following substituted in lieu thereof:

e. No lot shall be less than 75 feet wide at the building setback line.

**THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** 2-11-99

**SECOND READING:** 3-4-99

  
\_\_\_\_\_  
Mayor

**ATTEST**   
\_\_\_\_\_

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace the R-2 High Density Residential District with the C-2 Highway Commercial District. The property in question lies north of Old Highway 41 and just east of Ponderosa Drive.

**Section 2** The property rezoned shall include approximately 1.7 acres, as shown on the attached map.

**Section 3** Beginning at a point, said point being the intersection of the eastern right-of-way of Ponderosa Drive and the current (3/99) northern edge of the Kimball C-2 zoning district (the C-2 zoning district extends exactly 200 feet from and runs parallel to the northern right-of-way of Old Highway 41); thence, in a northerly direction along the eastern right-of-way of Ponderosa Drive to a point, said point being 300 feet from the northern edge of the right-of-way of Old Highway 41; thence, in a northeasterly direction running parallel to the northern right-of-way of Old Highway 41 for a distance of approximately 770 feet; thence, in a southeasterly direction along the current (3/99) R-1/R-2 zoning district boundary for a distance of approximately 100 feet; thence, in a southwesterly direction along the current (3/99) C-2 zoning district boundary (which runs 200 feet from and parallel to the northern edge of the Old Highway 41 right-of-way) to the point of beginning.

**THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** 4-1-99

**SECOND READING:** \_\_\_\_\_

  
\_\_\_\_\_  
Mayor

**ATTEST**   
\_\_\_\_\_  
City Recorder

# PROPOSED REZONING

R-2 TO C-2

## KIMBALL

## TENNESSEE

MARCH, 1999

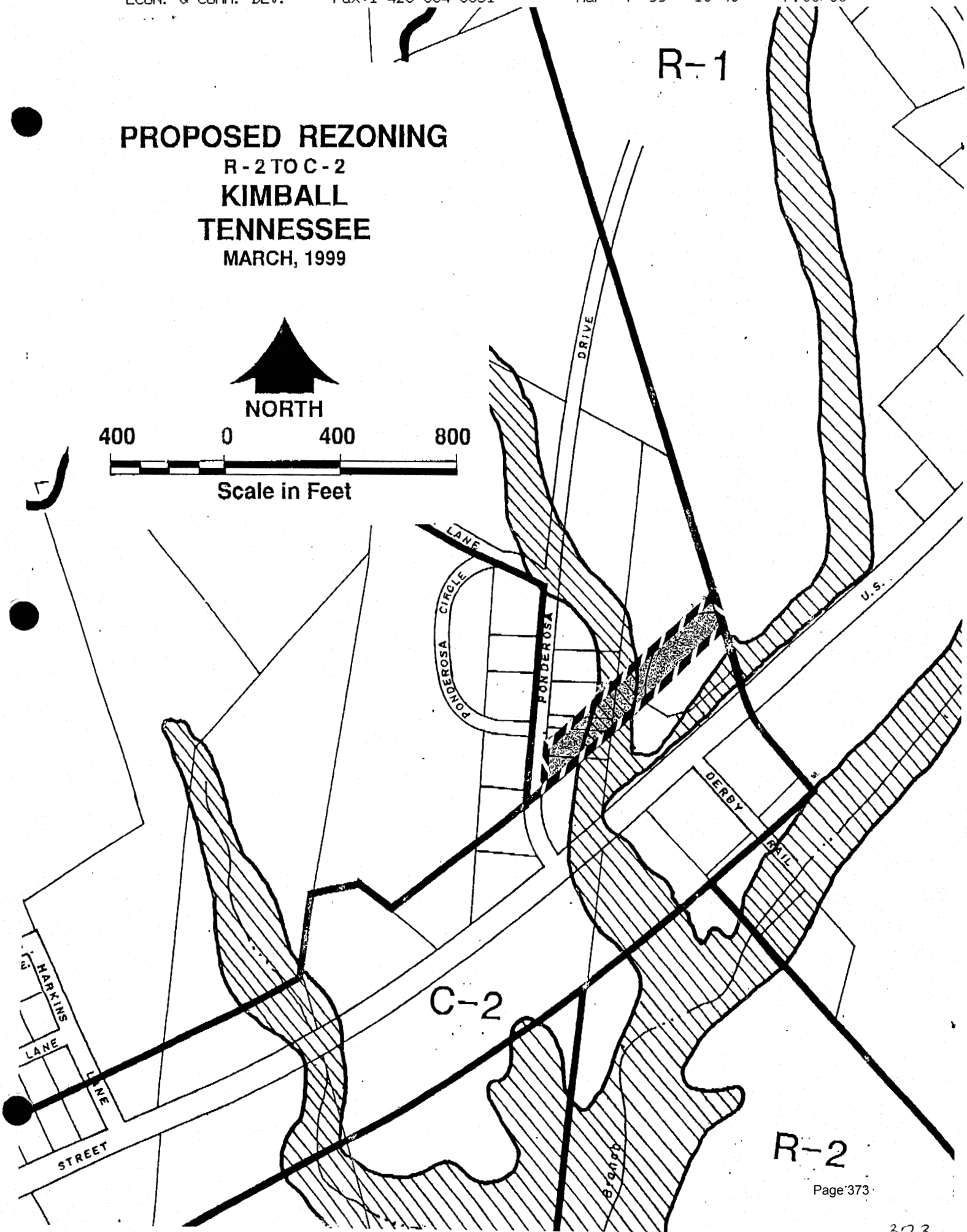


NORTH

400 0 400 800



Scale in Feet



R-1

C-2

R-2



**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE, TO ESTABLISH TRAVEL REIMBURSEMENT REGULATIONS FOR CITY OFFICIALS AND CITY EMPLOYEES CONDUCTING OFFICIAL BUSINESS.**

**PURPOSE**

WHEREAS, the purpose of this ordinance and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by “any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law.”

WHEREAS, to provide consistent travel regulations and reimbursement, this ordinance is expanded to cover regular city employees. It’s the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense.

WHEREAS, the Mayor and the Board of Aldermen of the Town of Kimball have determined it is in the Town’s best interest to adopt the following Travel Policy and Administrative Procedures.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Board of Aldermen as follows:

**SECTION 1: TRAVEL POLICY**

- A. In the interpretation and application of this ordinance, the term “traveler” or “authorized traveler” means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this ordinance. “Authorized traveler” shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this ordinance.
- B. Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the Recorder. Under certain conditions, entertainment expenses may be

eligible for reimbursement.

- C. Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.
- Travel
- advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the Recorder to initiate action to recover any undocumented travel advances.
- D. Travel advances are available only for special travel and only after completion and approval of the travel authorization form.
- E. The travel expense reimbursement form will be used to document all expense claims.
- F. To qualify for reimbursement, travel expenses must be:
- ◆ directly related to the conduct of the town's business for which travel was authorized, and
  - ◆ actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.
- Expenses considered excessive won't be allowed.
- G. Claims of \$5.00 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.
- H. Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- I. Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement.

## **SECTION 2: ENFORCEMENT**

The recorder of the Town or his or her designee shall be responsible for the enforcement of these travel regulations.

## **SECTION 3: TRAVEL REIMBURSEMENT RATE SCHEDULES**

Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the State rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs.

**SECTION 4: ADMINISTRATIVE PROCEDURES**


The city adopts and incorporates by reference -- as if fully set out herein -- the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder and attached hereto as EXHIBIT "A".

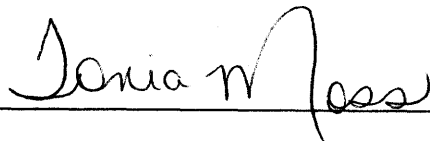
**SECTION 5:** Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**This ordinance shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1999.**


THIS ORDINANCE IS ADOPTED THIS THE 5<sup>th</sup> DAY OF August, 1999.

TOWN OF KIMBALL, TENNESSEE:

  
\_\_\_\_\_  
Mayor Jere Davis

Attested:   
\_\_\_\_\_

Approved as to form

  
\_\_\_\_\_  
Kevin L. Featherston, Town Attorney

Passed on first reading: 7/1/99.  
Passed on second reading: 8/5/99.

## **EXHIBIT "A"**

### **ADMINISTRATIVE PROCEDURES**

#### **TRAVEL REQUESTS**

To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval doesn't prohibit reimbursement, but it does assure reimbursement within the limits of the city travel policy. All costs associated with the travel should be reasonably estimated and shown on the travel authorization form. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the form. If the program isn't available prior to the travel, submit it with the reimbursement form.

#### **Transportation**

All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation aren't cost-beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

**Exceptions:** When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of:

- 1.) the actual expenses incurred or
- 2.) the amount that would have been incurred for the business portion only. The calculations for the business portion of the trip must be made using the lease

expensive rates available.

All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

#### **A. Air**

When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental care reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of "Super Saver" or other discount fares. Airline travel can be paid by direct billing to the city.

Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city won't reimburse for additional expense, such as circuitous routing, extended stays, layover to schedule a particular carrier, upgrading from economy to first class, for travelers to accumulate additional mileage or for other personal reasons.

#### **B. Rail or Bus**

The city will pay for actual cost of ticket.

#### **C. Vehicles**

Automobile transportation may be used when a common carrier can't be scheduled, when it's more economical, when a common carrier isn't practical, or when expenses can be reduced by two or more city employees traveling together.

- ◆ **Personal Vehicle-** Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the CAO. The city will pay a mileage rate not to exceed the rate allowed by the federal or state schedule, whichever the city adopts. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed. However, mileage in excess of the Rank-McNally mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It's the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs.

Travelers won't be reimbursed for automotive repair or breakdowns when using their personal vehicle.

- ◆ **City Vehicle-** the city may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of \$100 must be cleared with the proper city official before the repair is authorized.
- ◆ **Rental Cars-** Use of a rental car isn't permitted unless it's less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the CAO. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.
- ◆ **Fines** for traffic or parking violations won't be reimbursed by the city.
- ◆ **Reasonable Tolls** will be allowed when the most direct travel route requires them.

#### **D. Taxi, Limousine, and Other Transportation Fares**

When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees, provided such costs don't exceed normal taxi/limousine fares to and from the airport. Receipts are required.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Remember, *original* receipts are required for claims of \$5 or more. Transportation to and from shopping, entertainment or other personal trips is the choice of the traveler and are not reimbursable.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense reimbursement form, claiming the destination and amount for each fare.

#### **Lodging**

The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal or state rate schedule, whichever is chosen by the city.

- A. If the city reimburses using the federal rates, the Federal Travel Register provides

guidelines for determining the maximum that can be reimbursed for lodging. These amounts are available by requesting a copy of IRS Publication 1542. The rates in that publication are the maximum reimbursable rates for hotel rooms plus appropriate taxes.

If the city chooses Tennessee's reimbursement rate, the amount is \$33 plus appropriate taxes.

- B. Original lodging receipts must be submitted with the reimbursement form. *Photocopies are not acceptable.*
- C. If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.
- D. If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

- E. If two or more city employees travel together and share a room, the lodging reimbursement rate will be the maximum of two single rooms. If an employee shares a room with a non-employee, the actual cost will be allowed up to the maximum reimbursable amount. The receipt for the entire amount must be submitted with the expense form.

### Meals

Receipts aren't required for meals. The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, tips, porters, and incidental expenses. The authorized traveler won't be reimbursed more than this.

Whether meals may be claimed depends on when the traveler leaves and returns to the official

Meal	If departure before	If return after
Breakfast	7 a.m.	8 a.m.
Lunch*	11 a.m.	1:30 p.m.
Dinner **	5 p.m.	6:30 p.m.

station. The traveler's official station is home or work, whichever produces the least cost to the city. When partial day travel is involved, the current per diem allowance is determined as follows:\* Generally, lunch won't be reimbursed unless overnight travel is involved. Lunch may be reimbursed if departure is before 11 a.m. *and* the employee is eligible to be reimbursed for dinner.

**\*\*** When overnight travel is involved, dinner reimbursement is authorized regardless of departure time.

Regardless of which reimbursement rate the city uses, the amounts include tip, gratuity, etc.

The excess cost of an official banquet may be allowed provided proper documentation or explanation is submitted with the expense reimbursement form. If a meal is included as part of a conference or seminar registration, then the allowance for that meal should be subtracted from the total allowance for the day. For example, if a dinner is included as part of the conference fee, the maximum meal allowance for the day should be reduced by the allowed dinner amount.

***PLEASE NOTE:***

The municipality has selected to reimburse travelers at the State of Tennessee travel regulation rates. The city's rates will automatically change when the selected agency rates are adjusted.

(The city can order a copy of IRS Publication 1542 for a complete list of federal rates allowed. For more state rate information, contact the Department of Finance and Administration at (615)741-2401.

**Miscellaneous Expenses**

- A. Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel authorization form and can include a request for pre-registration fee payment.
- B. The traveler may be reimbursed for personal phone calls while on overnight travel, but the amount will be limited to \$5 per day.
- C. A \$4 allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.
- D. laundry, valet service, tips and gratuities are considered personal expenses and aren't reimbursable.
- E. For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt.

**ENTERTAINMENT**

The city may pay for certain entertainment expenses provided that:

- A. the entertainment is appropriate in the conduct of city business;
- B. the entertainment is approved by the CAO;
- C. the group or individuals involved are identified; and
- D. documentation is attached to the expense form to support the entertainment expense claims.



To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form:

- A. required receipts. All requests must be supported by original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt *by the vendor* are reimbursable
- B. a disclosure and explanation statement, explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group). If the CAO is the person filing the claim, then it must be approved by the governing board before the finance officer authorizes payment.

## **TRAVEL RECONCILIATION**

- A. Within 10 days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original lodging, travel, taxi, parking, and other receipts must be attached.

If the city provided a travel advance or made advance payment, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown—below the total claim on the form or in a cover memo attached to the front of the form.

- B. If the traveler received a travel advance and spent less than the advance, the traveler should attach a *check* made payable to the city for that difference.
- C. The CAO will address special circumstances and issues not covered in this ordinance on a case-by-case basis.

## **DISCIPLINARY ACTION**

Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees.

# AUTHORIZATION FOR TRAVEL

## TOWN OF KIMBALL, TENNESSEE

I hereby request for travel on official city business to the destination on the dates and for the purpose indicated below:

DATE(S)	CITY & STATE	HOTEL ADDRESS	PURPOSE OF TRIP

ACCOMPANIED BY: \_\_\_\_\_

Signature \_\_\_\_\_

Total Estimated Cost of Travel \$ \_\_\_\_\_

### SPECIAL FUNDING REQUESTS

- (1) Registration Prepayment
- (2) Prepaid Airline Tickets
- (3) Travel Advance of \$ \_\_\_\_\_

---

**APPROVAL** (Please Note—Approval of travel requests by the signatory below indicates that adequate funding is provided: appropriations to cover the estimated cost of this travel)

**Signature:** \_\_\_\_\_  
Department of Head

**Signature:** \_\_\_\_\_  
Chief Administrative Officer

# THE TOWN OF KIMBALL

STATEMENT, in detail, of expenses incurred while traveling on city business.

<b>Name:</b>	<b>Address:</b>
First                  MI                  Last	
<b>Social Security Number:</b>	
<b>Amount to Pay:</b>	<b>Zip Code</b>

Date Mo/day/yr	Description	Amount		Account Name	Account Number	Object Code	Amount
	Travel		1				
			2				
			3				

<b>Object of Trip:</b>
------------------------

Departure Date: _____	Hour: _____	Return Date: _____	Hour: _____
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Date	Mo	Day	Where incurred	Lodging	Breakfast	Lunch	Dinner	Trans- portation	Other taxi, phone,etc Item	Amount	Total for each line
			Total Each Column						Total Each Column		

If an adjustment is made a supplemental expense account may be filed when proper documentation has been obtained. The original reimbursement check number should be referenced when filing a supplemental claim. Check No. \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Head of Department

\_\_\_\_\_  
Mayor

I certify that the above stated expenses were incurred by me while on city business.

If an error is found, please return for correction. (Otherwise the necessary adjustment will be made)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

## REIMBURSEMENT RATE TABLE

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### GENERAL EXPENSES

◆	Mileage (personal vehicle only)	\$ .31 per mile
◆	Maximum Parking (without receipt)	\$ 4.50 per day
◆	Baggage Handling Fee (personal baggage)	\$ 4.00 per Hotel
◆	Handling Fee for equipment/promotional materials	\$20.00 per Hotel
◆	Long Distance Phone Calls	\$10.00 per week

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### IN-STATE RATES— LEVEL I

Hotel/Motel (per day)	\$37.00 + tax
Meals (per day)	\$22.00 total

### IN-STATE RATES—LEVEL II\*\*

Hotel/Motel (per day)	\$40.00 + tax
Meals (per day)	\$24.00 total

\*\*Level II consists of the following areas only: Davidson, Hamilton, Knox and Shelby Counties and Gatlinburg, TN

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### OUT-OF-STATE TRAVEL

Expense Type	Level I*	Level II*	Level III*	Level IV*
Hotel/Motel (per day + tax)	\$ 55.00	\$ 70.00	\$95.00	\$117.00
Meals (per day)	\$ 28.00	\$ 32.00	\$36.00	\$36.00

\*DESCRIPTION OF "LEVEL AREAS" NEXT PAGE

## AREA DESCRIPTIONS (LEVELS)

### LEVEL I=

all cities/states not specifically mentioned below

### LEVEL II=

◆	Connecticut	Kansas City, MO
◆	Massachusetts	Miami, FL
◆	Akron, OH	Milwaukee, WI
◆	Atlanta, GA	New Orleans, LA
◆	Baltimore, MD	Orlando, FL
◆	Bethesda, MD	Providence, RI
◆	Buffalo, NY	Richmond, VA
◆	Canton, OH	Rochester, NY
◆	Charleston, SC	Rockville, MD
◆	Cincinnati, OH	St. Louis, MO
◆	Cleveland, OH	Salt Lake City, UT
◆	Columbus, OH	Seattle, WA
◆	Denver, CO	Syracuse, NY
◆	Ft. Lauderdale, FL	Tampa, FL
◆	Indianapolis, IN	Toledo, OH
◆	Jacksonville, FL	Wilmington, DE

### LEVEL III=

◆	Boston, MA	Minneapolis, MN
◆	Chicago, IL	Philadelphia, PA
◆	Dallas, TX	Phoenix, AZ
◆	Detroit, MI	Pittsburg, PA
◆	Hartford, CT	San Diego, CA
◆	Los Angeles, CA	San Francisco, CA

### LEVEL IV=

- ◆ New York City, NY
- ◆ Washington, D.C.

IF YOU STILL HAVE QUESTIONS/CONCERNS ABOUT THE LEVEL OF REIMBURSEMENT YOU ARE ENTITLED TO, CONTACT CITY HALL

December 18, 2002

#87

**CHANGES IN FEDERAL  
REIMBURSEMENT RATES  
FOR TRAVEL**

By Dick Phebus  
Finance and Accounting Consultant

**Federal Rates**

Tennessee cities that elect to reimburse for travel using federal reimbursement rates should note that the federal government has decreased the vehicle-cents-per-mile reimbursement rate for 2003 to 36 cents (Rev. Proc. 2002-61). This decrease of one-half cent per mile becomes effective January 1, 2003.

Cities may wish to update their travel policies to reflect the new mileage reimbursement rate. Remember that a city can set its mileage rate reimbursement at any amount. However, any amount over the IRS standard mileage rate (36 cents for 2003) is considered taxable income to the employee or official.

In addition to the decrease in the mileage reimbursement rate, the federal rates for lodging and meals and incidentals (M&I) reimbursement have changed slightly for some Tennessee cities. Standard CONUS (Continental United States) rates remain the same for most cities. The nonstandard lodging rate for Memphis increased \$5, while the nonstandard M&I rates for Gatlinburg, Memphis, Murfreesboro, and Nashville increased \$4.

The standard federal reimbursement rate for lodging remains the same at \$55 per night. These rates apply everywhere in the continental United States except for selected nonstandard locations, where higher rates apply. The standard federal reimbursement rate for meals and incidentals remains \$30 per day. These changes took effect October 1, 2002, for federal FY 2003.

The following chart gives a breakdown of the nonstandard locations in Tennessee and their respective lodgings and M&I reimbursement rates effective October 31, 2002.

Location	County	Lodging	M & I	Total
Williamson County	Williamson	\$60	\$34	\$94
Alcoa/Townsend	Blount	\$63	\$34	\$97
Gatlinburg (May 1-Oct 31)	Sevier	\$78	\$42	\$120
(Nov 1-Apr 30)		\$70	\$42	\$112
Memphis	Shelby	\$75	\$42	\$117
Murfreesboro	Rutherford	\$57	\$34	\$91
Nashville	Davidson	\$82	\$46	\$128

These per diem rates apply to all locations within or entirely surrounded by the corporate limits of the key city as well as the boundaries of the county, including other municipalities within the county.

Federal reimbursement rates for out-of-state travel vary from state to state. You can find a complete list of federal per diem rates for FY 2003 at <http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd03d.html>.

### State Rates

For cities that elect to use the state of Tennessee reimbursement rates, there has been no change from last year. The mileage reimbursement rate remains 32 cents per mile. The state reimbursement policy also

provides for lodging rates and meals and incidentals maximum amounts. You can find the state travel policy in the Tennessee Comprehensive Travel Regulations at <http://www.state.tn.us/finance/act/policy8.pdf>.

Please review your city's travel policy to determine the applicable reimbursement rates for lodging and M&I. If your city's travel policy provides for reimbursements based on the state or federal rate, the changes noted above may take effect without any action by your city board. If, however, your city's policy establishes specific reimbursement rates for lodging and meals, you may need to amend the travel policy to reflect the above changes in mileage and other travel expenses.

For more information, please contact your MTAS management or finance consultant.

The Municipal Technical Advisory Service (MTAS) is a statewide agency of the University of Tennessee's Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League to provide technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and wastewater management.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for \$2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.

### MTAS OFFICES

**Knoxville (Headquarters):** (865) 974-0411

**Johnson City:** (423) 854-9882

**Nashville:** (615) 532-6827

**Jackson:** (731) 423-3710

**Martin:** (731) 587-7055

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the University.

The University does not discriminate on the basis of race, sex, or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA, or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Diversity Resources (DRS), 2112 Terrace Avenue, Knoxville, Tennessee, 37996-3960, telephone (865) 974-2493 (VTTY available) or (865) 974-2441. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Human Resources, 600 Henry Street, Knoxville, Tennessee 37996-4125.

E14-1056-000-01-1-05





Dec. 20, 2001 #76

## Changes in Federal Reimbursement Rates for Travel

By Dick Phebus  
MTAS Finance Consultant

### Federal Rates

Tennessee cities that elect to reimburse for travel using the federal reimbursement rates should note that the federal government has increased the vehicle-cents-per-mile reimbursement rate for 2002 to 36.5 cents per mile. This is an increase of 2 cents and will become effective Jan. 1, 2002, for all business miles driven.

According to the IRS, the primary reason for increasing the mileage rate is the jump in gasoline prices and consequent increased costs in vehicle operation. Cities may wish to update their travel policies regarding mileage reimbursement. Remember that a city can set the rate at any amount up to the IRS standard mileage rate for business purposes. Any amount over the IRS rate would become taxable income to the employee or official.

In addition to the increase in the mileage reimbursement rate, the federal rate for lodging increased in four "nonstandard" locations in Tennessee. Alcoa's lodging increased by \$4 to \$63, Gatlinburg's off-seasonal rate increase by \$9 to \$70, Nashville's rate increased by \$10 to \$82, and Williamson County's rate increased by \$1 to \$60. At the same time, Gatlinburg's peak-seasonal rate decreased by \$2 to \$78, and Chattanooga was one of five locations nationally that dropped into the Standard CONUS (Continental United States – 48 contiguous states) rate of \$55 lodging and \$30 meals and incidentals.

The standard federal reimbursement rate for lodging remained the same at \$55 per night. These standard rates apply everywhere in the continental United States except for selected nonstandard locations, where higher rates apply. The standard federal reimbursement rate for meals and incidentals (M&I) remains \$30 per day. These changes took effect Oct. 1, 2001 for the federal FY 2002.

Please see the chart on the following page for a breakdown of those nonstandard locations in Tennessee and the respective lodging and M&I reimbursement rates.

City	County	Lodging	M & I	Total
Akcoa	Blount (except Townsend)	\$63	\$34	\$34
Gatlinburg (May 1-Oct. 31) (Nov 1-Apr. 30)	Sevier	\$78 \$70	\$38 \$38	\$116 \$108
Memphis	Shelby	\$70	\$38	\$108
Murfreesboro	Rutherford	\$57	\$30	\$87
Nashville	Davidson	\$82	\$42	\$124
Townsend	City Limits Only	\$63	\$34	\$97
Williamson County	Williamson County	\$60	\$30	\$90

These per diem rates apply to all locations within or entirely surrounded by the corporate limits of the key city as well as the boundaries of the county, including other municipalities within the county.

Federal reimbursement rates for out-of-state travel vary from state to state. A complete listing of federal per diem rates are on the Internet at: <http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd02d.html>

### **State Rates**

For those cities that elected to reimburse travel expenses using the state rates, the state announced an increase in the mileage reimbursement rate to 32 cents a mile effective March 1, 2000. This increase was intended to be temporary. However, the rate has not changed and will remain at 32 cents per mile until modified by the Tennessee Department of Finance & Administration. The state reimbursement policy also provides for lodging rate and meals and incidentals maximum amounts. The amounts can be found in the Tennessee Comprehensive Travel Regulations at <http://www.state.tn.us/finance/act/policy8.pdf>

Please review your city's travel policy to determine the applicable reimbursement rate. If your city's policy states that the city will reimburse employees and officials based the "federal" or "state" rates, then the changes discussed above apply automatically. If, however, your city's policy establishes specific reimbursement amounts instead of relying on the prevailing federal or state rates, you will need to amend the travel policy if the governing body wishes to increase the mileage reimbursement or per diem rates.

For more information, please contact the MTAS management consultant or finance consultant in your area.

# Hot Topics for Tennessee cities and towns

May 15, 2000

#54

## Changes in Federal and State Reimbursement Rates for Travel

### Federal Rates

For those cities that elected to reimburse for travel using the federal reimbursement rates, the federal government has increased the vehicle-cents-per-mile reimbursement rate for 2000 to 32.5 cents per mile. This increase became effective Jan. 1, 2000.

In addition to the increase in the mileage reimbursement rate, the standard federal reimbursement rate for lodging increased from \$50 to \$55 per night. The standard federal reimbursement rate for meals and incidentals (M&I) remains \$30 per day. These standard rates apply everywhere in the continental United States except for selected nonstandard locations where higher rates apply. Please see the chart below for those nonstandard locations in Tennessee and the respective lodging and M&I reimbursement rates.

City	County	Lodging (Room Rate Only No taxes included)	M & I	Total
Alcoa	Blount (except Townsend)	\$59	\$30	\$89
Gatlinburg (May 1 - Oct. 31) (Nov. 1 - Apr. 30)	Sevier	\$80	\$38	\$118
Memphis	Shelby	\$70	\$38	\$108
Murfreesboro	Rutherford	\$57	\$30	\$87
Nashville	Davidson	\$72	\$42	\$114
Townsend	City limits only	\$63	\$34	\$97
Williamson County	Williamson County	\$57	\$30	\$87

Page 392

# Hot Topics for Tennessee cities and towns

May 5, 1999

#43

## Changes in Federal and State Reimbursement Rates for Travel

### Federal Rates

For those cities that elected to reimburse for travel using the federal reimbursement rates, the federal government has decreased the vehicle-cents-per-mile reimbursement rate for 1999 to 31 cents per mile. This decrease became effective on April 1, 1999. Any mileage allowances paid to an employee before April 1, 1999, for mileage expenses incurred prior to April 1, 1999, still qualified for the previous rate of 32.5 cents per mile.

The standard federal reimbursement rates for lodging and meals have remained the same. The standard federal rate is \$50 per night for lodging and \$30 per day for meals and incidentals (M&I). However, there are higher reimbursement rates in some of Tennessee's larger cities. Please see the chart below for those revised rates.

City	County	Lodging	M & I	Total
Chattanooga	Hamilton	\$50	\$34	\$84
Gatlinburg	Sevier	\$70	\$38	\$108
Knoxville	Knox	\$50	\$38	\$88
Memphis	Shelby	\$79	\$38	\$117
Nashville	Davidson	\$72	\$42	\$114
Townsend	Blount	\$70	\$34	\$104

These per diem rates apply to all locations within or entirely surrounded by the corporate limits of the key city as well as the boundaries of the county, including other municipalities within the county.

Federal reimbursement rates for out-of-state travel vary from state to state. For a complete listing of federal per diem rates, please reference the IRS publication No. 1542. Or, you can find a complete listing of federal per diem rates on the Internet at:  
<http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd99d.html>

### State Rates

For those cities that elected to reimburse travel expenses using the state rates, the only change for 1999 is an increase in the mileage reimbursement rate from 26 cents a mile to 28 cents a mile effective July 1, 1999. A complete summary of the current state travel reimbursement rates for all allowable expenses can be found in MTAS' Hot Topic No. 38, issued July 31, 1998.

For more information, please contact your MTAS management consultant or finance consultant in your area.

**AN ORDINANCE ALLOWING THE ASSIGNMENT FROM THE HELICON GROUP, TO CHARTER COMMUNICATIONS OF THE NON-EXCLUSIVE FRANCHISE GRANTED BY ORDINANCE NUMBERS 37, 40, 99 AND 107.**

**WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee ordained and enacted a certain Ordinance Number 37 dated June 9, 1978 ("the Franchise") granting a non-exclusive franchise to operate and maintain a community antenna television (CATV) system within the Town; and**

**WHEREAS, the rights under the Franchise are now held by The Helicon Group, a Delaware Corporation ("Helicon"); and**

**WHEREAS Helicon has assigned all of its rights, title and interest in, to and under the Agreement to Charter Communications ("Charter"), and Charter has accepted such assignment; and**

**WHEREAS, Helicon and Charter are seeking the consent of the Town of Kimball for the assignment of the Franchise to Charter; and**

**WHEREAS, pursuant to the Cable Television Consumer Protection and Competition Act of 1992 ("the 1992 Cable Act"), Helicon and Charter have submitted to the Town of Kimball a Form 393-Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise; and**

**WHEREAS, the Town of Kimball is willing to consent to the assignment of the Franchise granted by virtue of Ordinance Numbers 37, 40, 99 and 107;**

**NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Kimball, County of Marion, and State of Tennessee:**

**SECTION 1. The Town of Kimball, Tennessee does hereby consent to the transfer by Helicon to Charter of all of Helicon's right, title and interest in, and duties and obligations arising under the Franchise as set out in Ordinance Numbers 37, 40, 99 and 107. This consent and the remaining provisions of this Ordinance are contingent upon Helicon confirming in writing to the attention of the Mayor of the Town of Kimball, Tennessee, that it assumes all duties and obligations imposed upon the Franchise pursuant to the provisions of Ordinance Numbers 37, 40, 99 and 107.**

**SECTION 2. The Town of Kimball does hereby approve the assignment, mortgage, pledge or other encumbrance of the assets of Charter, including the Franchise as collateral of any loan to, or financing of, Charter.**

SECTION 3. Cable television shall be furnished to the Town of Kimball and its inhabitants under the Franchise granted to The Helicon Group, by the Board of Mayor and Aldermen of the Town pursuant to Ordinance Numbers 37, 40, 99 and 107, and as assigned to Charter Communications pursuant to this Ordinance. The rights, powers, duties and obligations of the Town of Kimball and of its Franchise are clearly stated in the Franchise Agreement, which shall be binding upon the parties concerned.

SECTION 4. Should any part of this ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 5. This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on second and final reading on the 6<sup>th</sup> day of May, 1999.

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Mayor Jere N. Davis

ATTEST:

---

Recorder Kay Keef

Passed on 1<sup>st</sup> reading: April 1, 1999

Passed on 2<sup>nd</sup> reading: May 6, 1999

APPROVED AS TO FORM:

By:

  
Kevin L. Featherston

Town Attorney

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**AN ORDINANCE TO AMEND ORDINANCE NUMBER THREE (3) AND IT'S AMENDMENTS TO INCREASE THE SALARY OF THE TOWN RECORDER AND TO SET THE SALARY OF THE POLICE CHIEF AND TOWN CLERK FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance number three (3) and it's subsequent amendments the Town of Kimball, Tennessee, created the office of Town Recorder and Treasurer and set the initial salary at \$25 per month; and

**WHEREAS**, the Town of Kimball has adopted a new budget for the year 1999-2000 and the Mayor and Board of Aldermen has determined that it is in the best interest of the Town of Kimball to increase the annual salary paid to the Town Recorder and to set the annual salaries of the Chief of Police and the Town Clerk by Ordinance; and

**WHEREAS**, the Mayor and Board of Alderman have determined that the annual salary for the City Recorder shall be \$ 28,600.00, the Chief of Police shall be \$37,993.00 , and the Town Clerk shall be \$ 22,100.00.

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Alderman of the Town of Kimball, Tennessee; that, Section Three ( 3) of Ordinance Number Three (3) shall be deleted in it's entirety and substituted in lieu with the following Section Three (3)

- Section 3:
- A. That the salary for the Office of Recorder be and the same is hereby is fixed at \$ 28,600.00 per year, payable out of the general funds of the Town.
  - B. That the salary for the Office of Chief of Police be and the same is hereby is fixed at \$37,993.00 per year, payable out of the general funds of the Town.
  - C. That the salary for the Office of Town Clerk be and the same is hereby is fixed at \$ 22,100.00 per year, payable out of the general funds of the Town.


**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Alderman, **THE PUBLIC WELFARE REQUIRING IT.**

PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 5<sup>th</sup> day of August, 1999.

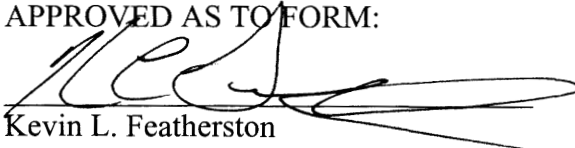


JERE N. DAVIS, Mayor

ATTEST:

  
Kay Keef, Town Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading 7/7/99.

Passed on second reading 8/5/99.



**Town of Kimball  
Proposed Budget for the Fiscal Year  
Ending June 30, 2000**

**ORDINANCE 129**

	Actual 1998-1999	Estimated 1998- 1999	Estimated 1999-2000
<b>General Fund</b>			
<b>Estimated Revenues</b>			
Local Taxes	\$900,905.00	\$720,000.00	\$890,000.00
State of Tennessee	\$93,363.00	\$87,925.00	\$92,625.00
Other Sources	\$524,787.00	\$481,225.00	\$529,016.00
<b>Total Estimated Revenues</b>	<b>\$1,519,055.00</b>	<b>\$1,289,150.00</b>	<b>\$1,511,641.00</b>
<b>Expenditures</b>			
Salaries	\$387,019.00	\$363,310.00	\$398,809.00
Other	\$818,408.00	\$925,840.00	\$1,112,832.00
<b>Total</b>	<b>\$1,205,427.00</b>	<b>\$1,289,150.00</b>	<b>\$1,511,641.00</b>
Employee Positions	13	13	13
<b>State Street Aid Fund</b>			
<b>Estimated Revenues</b>			
State of Tennessee		\$36,000.00	\$34,200.00
Other Sources		\$50,450.00	\$60,456.00
<b>Total Estimated Revenues</b>	<b>\$88,950.50</b>	<b>\$86,450.00</b>	<b>\$94,656.00</b>
<b>Expenditures</b>			
Salaries		\$15,500.00	\$13,276.00
Other	\$86,252.46	\$70,950.00	\$81,380.00
<b>Total</b>	<b>\$86,252.46</b>	<b>\$86,450.00</b>	<b>\$94,656.00</b>
<b>Sewer Fund</b>			
<b>Estimated Revenues</b>	<b>\$47,681.40</b>	<b>\$52,200.00</b>	<b>\$43,050.00</b>
<b>Expenditures</b>			
Salaries		\$2,000.00	\$0.00
Other	\$28,524.81	\$40,200.00	\$43,050.00
<b>Total</b>	<b>\$28,524.81</b>	<b>\$42,200.00</b>	<b>\$43,050.00</b>

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF KIMBALL TENNESSEE.**

WHEREAS some of the ordinances of the Town of Kimball are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Kimball Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE, THAT:

**Section 1. Ordinances codified.** The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Kimball Municipal Code," hereinafter referred to as the "municipal code."

**Section 2. Ordinances repealed.** All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

Each day any violation of the municipal code continues shall constitute a separate civil offense.

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, 9/9, 1999.

Passed 2nd reading, 10/7, 1999.

*John H. Davis*  
Mayor

*Janice Moss*  
Recorder

## ORDINANCE NO. 131

### **AN ORDINANCE TO AMEND ORDINANCE NUMBER(S) FORTY-ONE (41), FIFTY (50), AND EIGHTY-NINE (89), OF THE TOWN OF KIMBALL, TENNESSEE REGARDING THE SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS**, the Board of Mayor and Alderman has previously enacted Ordinance Number(s) Forty-One (41), Fifty (50), and Eighty-nine (89), regarding the sewer system, sewer usage, and sewer rates for the Town of Kimball, Tennessee; and

**WHEREAS**, by provisions of Section Seven (7) of Ordinance Number Forty-one (41), the Board of Mayor and Alderman of the Town of Kimball is authorized to regulate sewer rates, schedules and connecting fees; and

**WHEREAS**, by Ordinance Number(s) Fifty (50) and Eighty-nine (89), the Board of Mayor and Alderman of the Town of Kimball amended section seven (7) of Ordinance Number (41) pertaining to the sewer rates to be applied to sewer services in the Town of Kimball, Tennessee; and

**WHEREAS**, in order to meet the obligations imposed by the laws of the State of Tennessee, and the obligation incurred for providing sewer service in the Town of Kimball, the Board of Mayor and Aldermen of the Town of Kimball is of the opinion that Ordinance Number(s) Forty-one (41), Fifty (50) and Eighty-nine (89) need to be amended to adjust the existing sewer rates.

**IT IS, THEREFORE, ENACTED AND ORDAINED**, by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, that the sewer rate schedule set forth in Ordinance Number(s) Forty-one (41), Fifty (50), and Eighty-nine (89) be deleted in their entirety and that the following sewer rate schedule be substituted and lieu thereof;

#### **SEWER RATE SCHEDULE**

- \$ 60.00 dollars per month up to three thousand (3,000) gallons (minimum bill)
- \$ 3.00 dollars per 1,000 gallons over 3,001 to 18,000 gallons
- \$ 2.95 dollars per 1,000 gallons over 18,000 gallons

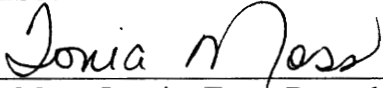
This Ordinance and the above established sewer rate schedule shall become effective after it's passage and publication as required by law, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, on the final reading this the 9<sup>th</sup> day of September, 1999.



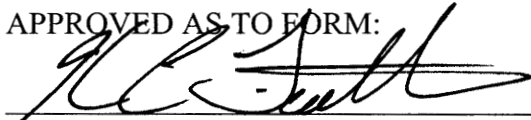
JERE N. DAVIS, Mayor

ATTEST:



Tonia Moss, Interim Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston

Attorney for Town of Kimball

Passed on first reading August 5, 1999.

Passed on second & final reading September 9, 1999.

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace the C-2 Highway Commercial District with the R-1 Low Density Residential District.

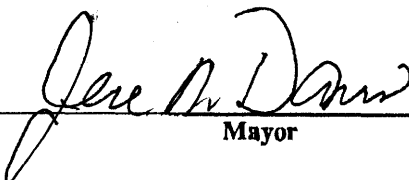
**Section 2** The property rezoned shall include approximately 5.4 acres, as shown on the attached map.

**Section 3** Commencing at an iron pin in the south margin of U.S. Highway 41, said iron pin being the northwest corner of Lot One of Mountain Meadows Estates as recorded in Plat Book \_\_\_ Page \_\_\_ in the Marion County, Tennessee Register of Deeds Office and also the point of beginning; thence with and along said South margin of U.S. Highway 41 North 66 degrees 50' 30" East, a distance of 659.03 feet to the Northeast corner of Lot 4 of said Mountain Meadow Estates; then leaving said South margin of U.S. Highway 41 and traveling with the east line of said Lot 4 of Mountain meadows Estates South 11 degrees 32' 16" East, a distance of 330 feet to a point in the current zoning line separating the current commercial and residential zones; thence with and along said zoning line South 66 degrees 50' 30" West, a distance of 760 feet to a point in the West line of said Lot 1 of Mountain Meadows Estates; thence with the west line of said Lot 1 of Mountain meadows Estates North 06 degrees 57' 44" East, a distance of 390 feet to the point of beginning.

**THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, THE PUBLIC WELFARE REQUIRING IT.

**FIRST READING:** 11/4/99

**SECOND READING:** 12/2/99

  
\_\_\_\_\_  
Mayor

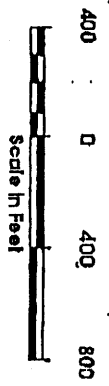
**ATTEST**   
\_\_\_\_\_  
City Recorder





**PROPOSED REZONING**  
**C-2 to R-1**

**City of Kimball**  
**TENNESSEE**  
 November, 1995



## ORDINANCE NO. 133

### AN ORDINANCE TO AMEND ORDINANCE 129 CONCERNING THE BUDGET FOR THE YEAR 1999-2000 FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, on the 5<sup>th</sup> day of August, 1999, as set forth an Ordinance 129, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenue and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenue and expenditures; and

**WHEREAS**, in order to balance the budget for the physical year 1999-2000, as required by state law, the Mayor and Board of Alderman have adopted the following Amendment to the budget set forth in Exhibit "A" attached hereto.

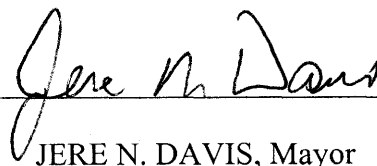
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Mayor and Alderman of the Town of Kimball, Tennessee:

**Section 1:** That Ordinance 129 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 129, as the budget for the Town of Kimball, Tennessee, for the physical year 1999-2000.

**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 6 day of 7<sup>th</sup>, 2000.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

Tonia Moss  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

Kevin L. Featherston  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading May 4, 2000.

Passed on second reading June 1, 2000.

TO: Board of Mayor and Aldermen

FROM: Tonia Moss, Town Recorder

Increase Revenues for General Fund:

31110	Real and Personal Property Tax	\$1,225.00
31211	Property Tax 1st Year Delinquent	\$500.00
31212	Property Tax 2nd Year Delinquent	\$245.00
31219	Property Tax all other Delinquent Years	\$610.00
31320	Penalties and Interest	\$500.00
36100	Interest Earnings	\$4,900.00
<b>Total</b>		<b>\$7,980.00</b>

Decrease Expenditures in General Fund:

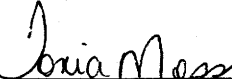
42100	329 Other Operating Supplies	\$14,832.00
42620	920 Rescue Vehicle	\$35,000.00
51621	1 Operating Supplies Trans. To State Street Aid Fund	\$5,000.00
51652	1 Operating Supplies Trans. To Sewer Fund	\$20,000.00
<b>Total</b>		<b>\$74,832.00</b>

**Total Increase Revenues and Decrease Expenditures \$82,812.00**

Increase Expenditures for General Fund:

41810	265 Repair and Maintenance to Grounds	\$12,530.00
41990	934 Waterline Improvements	\$55,000.00
42300	240 Utilities	\$150.00
42300	259 Other Professional Services - Vet	\$57.00
42300	260 Repair and Maintenance	\$775.00
42300	530 Rent	\$300.00
43100	932 Drainage Improvements	\$5,000.00
43100	940 Bucket Truck	\$9,000.00
<b>Total</b>		<b>\$82,812.00</b>

  
 Mayor

Attest:  
 Town Recorder

6/2/2000 Date

TO: Board of Mayor and Aldermen

FROM: Tonia Moss, Town Recorder

Increase Expenditures for Drug Fund:

42129 320 Operating Supplies

**Total** \$1,300.00  
**\$1,300.00**

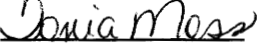
Decrease Fund Balance in Drug Fund:

27100 Fund Balance

**Total** \$1,300.00  
**\$1,300.00**

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Town Recorder

6/2/2000  
\_\_\_\_\_  
Date

**ORDINANCE NO. 134**

**ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2000-2001**

**WHEREAS**, the Board of Mayor and Alderman of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2000-2001.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

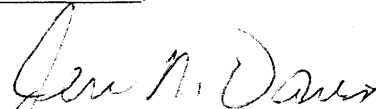
**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Alderman of the Town of Kimball, Tennessee:

**SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted as the budget for the Town of Kimball, Tennessee for the fiscal year 2000-2001.

**SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 2000, the public welfare of the Town of Kimball requiring it.


PASSED AND APPROVED by the Board of Mayor and Alderman on the 2nd and final reading on the 29<sup>th</sup> day of June, 2000.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading June 1, 2000.

Passed on second reading June 29, 2000.

## TOWN OF KIMBALL

1

## GENERAL FUND BUDGET PROPOSAL FOR 2000-2001, ESTIMATED FOR 1999-2000

ACCOUNT NUMBER	ACCOUNT NAME	Actual 1998-1999	Budgeted & Amended 1999-2000	Estimated 1999-2000	Budgeted 2000-2001
31110	Real and Personal Property Tax	\$31,500.00	\$31,225.00	\$31,662.00	\$31,500.00
31211	Property Tax Delinquent 1st Year	\$2.00	\$700.00	\$739.00	\$600.00
31212	Property Tax Delinquent 2nd Year	\$5.00	\$345.00	\$357.00	\$100.00
31219	Property Tax Delinquent Other Prior Years	\$0.00	\$610.00	\$651.00	\$100.00
31320	Interest and Penalty on Property Taxes	\$0.00	\$700.00	\$764.00	\$300.00
31610	Local Sales Tax – Co. Trustee	\$900,905.00	\$890,000.00	\$925,000.00	\$915,000.00
31710	Wholesale Beer Tax	\$76,541.00	\$78,000.00	\$73,000.00	\$78,000.00
31820	Gross Receipt Tax	\$87,947.00	\$88,000.00	\$76,500.00	\$86,500.00
31912	Cable TV Franchise Tax	\$3,831.00	\$3,800.00	\$4,181.00	\$4,100.00
31920	Room Occupancy Tax	\$109,525.00	\$95,000.00	\$108,000.00	\$105,000.00
<b>SUB TOTAL - LOCAL TAXES</b>		<b>\$1,210,256.00</b>	<b>\$1,188,380.00</b>	<b>\$1,220,854.00</b>	<b>\$1,221,200.00</b>
32210	Beer Licenses	\$1,600.00	\$2,000.00	\$2,400.00	\$1,600.00
32610	Building Permits	\$13,267.00	\$15,500.00	\$13,000.00	\$13,000.00
32611	Ambulance Rent	\$6,000.00	\$3,000.00	\$3,000.00	\$3,000.00
32612	911 Rent	\$9,817.00	\$9,816.00	\$9,816.00	\$9,816.00
32690	Other Permits	\$303.00	\$1,000.00	\$0.00	\$0.00
32710	Sign Permits	\$4,377.00	\$3,500.00	\$2,500.00	\$3,500.00
<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>		<b>\$35,364.00</b>	<b>\$34,816.00</b>	<b>\$30,716.00</b>	<b>\$30,916.00</b>
33320	TVA Payments in Lieu of Taxes	\$9,338.00	\$7,500.00	\$6,700.00	\$6,700.00
33510	State Sales Tax	\$66,763.00	\$80,000.00	\$76,000.00	\$72,000.00
33520	State Income Tax	\$941.00	\$1,275.00	\$1,250.00	\$1,250.00
33530	State Beer Tax	\$910.00	\$750.00	\$641.00	\$630.00
33552	State-City Streets and Transport	\$15,411.00	\$3,100.00	\$2,950.00	\$3,200.00
<b>SUB TOTAL - STATE TAXES</b>		<b>\$93,363.00</b>	<b>\$92,625.00</b>	<b>\$87,541.00</b>	<b>\$83,780.00</b>
34121	Clerks' Fees – Business Tax	\$580.00	\$450.00	\$570.00	\$500.00
34240	Accident Report Charges	\$408.00	\$500.00	\$500.00	\$600.00
34400	Sanitation – Charges for Service	\$8,700.00	\$9,000.00	\$8,000.00	\$8,500.00
<b>SUB TOTAL - FEES</b>		<b>\$9,688.00</b>	<b>\$9,950.00</b>	<b>\$9,070.00</b>	<b>\$9,600.00</b>



35110 City Court Fines and Costs	\$27,498.00	\$27,000.00	\$29,000.00	\$32,500.00
35111 Litigation Tax	-\$1,145.00	\$1,000.00	\$0.00	\$0.00
<b>SUB TOTAL - FINES</b>	<b>\$26,353.00</b>	<b>\$28,000.00</b>	<b>\$29,000.00</b>	<b>\$32,500.00</b>

36100 Interest Earnings	\$13,965.00	\$14,100.00	\$14,365.00	\$15,000.00
36220 Lease of Property - Powertel & Signal One	\$3,450.00	\$6,500.00	\$5,550.00	\$5,550.00
36310 Sale of Land	\$100,765.00	\$0.00	\$0.00	\$0.00
36330 Sale of Equipment - Police Cars	\$0.00	\$15,000.00	\$11,052.00	\$0.00
36512 Sale of Gasoline	\$2,095.00	\$1,750.00	\$1,850.00	\$1,750.00
36710 Contributions and Donations - Fire Dept	\$633.00	\$500.00	\$825.00	\$0.00
36990 Miscellaneous	\$23,123.00	\$3,000.00	\$5,224.00	\$5,100.00
<b>SUB TOTAL - OTHER REVENUES</b>	<b>\$144,031.00</b>	<b>\$40,850.00</b>	<b>\$38,866.00</b>	<b>\$27,400.00</b>

<b>Total Revenues</b>	<b>\$1,519,055.00</b>	<b>\$1,394,621.00</b>	<b>\$1,416,047.00</b>	<b>\$1,405,396.00</b>
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Fund Balance	-\$469,853.00	\$125,000.00	\$69,293.00	\$179,351.00
CD'S	\$417,060.41			
SAVINGS	\$60,000.00			
TOTAL	\$477,060.41			

<b>Total</b>	<b>\$1,049,202.00</b>	<b>\$1,519,621.00</b>	<b>\$1,485,340.00</b>	<b>\$1,584,747.00</b>
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## EXPENDITURES

3

	Actual 1998-1999	Budgeted & Amended 1999-2000	Estimated 1999-2000	Budgeted 2000-2001	
Office and Board Wages					
121 Wages – Mayor	\$15,325.00	\$15,000.00	\$15,000.00	\$15,000.00	
41510 City Recorder Wages	\$26,433.75	\$28,600.00	\$25,975.00	\$29,458.00	3.0%
121 City Clerk Wages	\$17,525.25	\$22,100.00	\$21,226.00	\$22,763.00	3.0%
130 Vacation/Bonus Pay	\$0.00	\$0.00	\$0.00	\$1,250.00	
41650 Board/Administration Wages	\$20,500.00	\$19,200.00	\$19,200.00	\$19,200.00	
<b>SUBTOTAL WAGES, BOARD, RECORDER, CLERK</b>	<b>\$79,784.00</b>	<b>\$84,900.00</b>	<b>\$81,401.00</b>	<b>\$87,671.00</b>	
41810 City Hall Building					
241 Electric	\$9,460.00	\$10,408.00	\$9,000.00	\$9,500.00	
242 Water	\$726.00	\$1,050.00	\$900.00	\$800.00	
244 Gas	\$2,910.00	\$3,000.00	\$3,200.00	\$3,000.00	
245 Telephone and Telegraph	\$8,352.00	\$10,080.00	\$8,200.00	\$9,000.00	
260 Repair and Maint service	\$21.00	\$0.00	\$350.00	\$500.00	
261 Repair and Maint vehicles	\$370.00	\$0.00	\$0.00	\$0.00	
265 Repair and Maintenance Grounds	\$0.00	\$14,530.00	\$14,530.00	\$6,000.00	
<b>SUBTOTAL – CITY HALL BUILDING</b>	<b>\$21,839.00</b>	<b>\$39,068.00</b>	<b>\$36,180.00</b>	<b>\$28,800.00</b>	
41990 Other General Government Expenses					
142 Hospital and Health Insurance	\$93,416.00	\$93,000.00	\$82,500.00	\$88,900.00	
143 Retirement – Current	\$23,771.00	\$10,774.00	\$21,635.00	\$12,980.00	
149 Other Employer Contributions	\$27,034.00	\$28,900.00	\$29,200.00	\$33,100.00	
190 Other Personal Services - Flowers	\$0.00	\$500.00	\$210.00	\$500.00	
211 Postage, Box Rent, Ext.	\$1,200.00	\$2,000.00	\$1,350.00	\$2,000.00	
231 Publication of Formal and Legal Notices	\$2,464.00	\$2,500.00	\$3,300.00	\$3,300.00	
235 Memberships, Registration Fees, and Tuition	\$6,157.00	\$3,000.00	\$6,300.00	\$6,400.00	
236 Public Relations	\$3,755.00	\$5,000.00	\$4,000.00	\$4,500.00	
Perry Link Memorial Fund - \$1000					
St. Jude - \$500					
Shriners - \$500					
Lions Club - \$500					
Family and Children Services - \$500					
239 Other Publicity	\$16.00	\$1,000.00	\$2,900.00	\$2,000.00	
245 Telephone and Telegraph – Cell Phones	\$831.00	\$1,025.00	\$2,220.00	\$1,400.00	
246 Fire Hydrant Rental	\$8,608.00	\$8,600.00	\$11,275.00	\$13,000.00	
249 Other Utility Services – Pest Control	\$0.00	\$480.00	\$480.00	\$480.00	
252 Legal Services	\$9,166.00	\$12,000.00	\$26,000.00	\$24,000.00	
253 Accounting and Auditing Services	\$6,798.00	\$7,500.00	\$34,300.00	\$10,000.00	
254 Data Processing Services – Computer	\$7,281.00	\$8,000.00	\$10,440.00	\$9,000.00	

257 Tennessee State Planning Office Services	\$2,118.00	\$4,000.00	\$4,000.00	\$4,000.00	4
259 Other Prof Services (Bldg. Inspector, Janitorial, Surveyor, Engineer)	\$11,146.00	\$10,000.00	\$28,000.00	\$22,000.00	
263 Repair and Maintenance Furniture, Office Ma	\$582.00	\$500.00	\$150.00	\$150.00	
269 Repair and Maintenance Other Repair and Ma	\$0.00	\$700.00	\$750.00	\$750.00	
283 Out of Town Expense	\$0.00	\$3,500.00	\$1,550.00	\$2,500.00	
290 Other Contractual Services (Dispatchers)	\$125,708.00	\$160,500.00	\$144,000.00	\$155,000.00	
310 Office Supplies and Materials	\$4,704.00	\$4,200.00	\$4,200.00	\$4,200.00	
323 Food - Christmas Dinner/Hams/Turkeys	\$462.00	\$0.00	\$2,700.00	\$2,500.00	
324 Household and Janitorial Supplies	\$2,498.00	\$1,450.00	\$2,000.00	\$2,000.00	
329 Other Operating Supplies	\$21,512.00	\$2,500.00	\$1,000.00	\$2,500.00	
331 Gas, Oil, Diesel Fuel, Grease, Ect.	\$12,413.00	\$14,000.00	\$15,000.00	\$15,000.00	
511 Insurance on Buildings	\$3,707.00	\$53,000.00	\$6,020.00	\$13,500.00	
514 Surety bonds	\$951.00	\$0.00	\$900.00	\$2,500.00	
515 Workers Compensation Ins.	\$27,294.00	\$0.00	\$20,130.00	\$25,500.00	
520 Property Ins.	\$0.00	\$0.00	\$925.00	\$1,850.00	
522 Vehicle Ins.	\$13,549.00	\$0.00	\$12,200.00	\$12,200.00	
555 Bank Charges - overdrawn,checks,deposit slips	\$133.00	\$0.00	\$20.00	\$50.00	
595 Retirement - Administrative cost	\$0.00	\$0.00	\$2,761.00	\$1,300.00	
596 Penalties for late filing	\$0.00	\$0.00	\$1,765.00	\$0.00	
910 Land	\$0.00	\$0.00	\$262,976.00	\$0.00	
920 911 Payment	\$10,635.00	\$9,816.00	\$9,816.00	\$9,816.00	
930 Improvements (Christmas lights & park equip)	\$70,509.00	\$346,074.00	\$10,000.00	\$25,000.00	
934 Water line improvements	\$0.00	\$55,000.00	\$77,000.00	\$12,000.00	
<b>Subtotal - Other General Expenses</b>	<b>\$498,418.00</b>	<b>\$849,519.00</b>	<b>\$843,973.00</b>	<b>\$526,576.00</b>	
<b>42100 Police</b>					
121 Chief - Wages	\$32,783.00	\$37,993.00	\$37,493.00	\$39,133.00	3.0%
121 Lieutenant - Wages	\$33,270.00	\$34,223.00	\$21,692.00	\$0.00	
121 Patrolmen - Wages	\$153,258.00	\$142,446.00	\$164,815.00	\$216,686.00	3.0%
130 Vacation/Bonus	\$0.00	\$0.00	\$0.00	\$9,230.00	
211 Postage, Box Rent, Ect	\$0.00	\$100.00	\$0.00	\$0.00	
219 Other Communication and Transportation	\$541.00	\$1,500.00	\$430.00	\$420.00	
235 Memberships, Registration Fees and Tuition	\$425.00	\$1,200.00	\$650.00	\$1,200.00	
245 Telephone - Cell phone	\$1,550.00	\$0.00	\$1,390.00	\$1,300.00	
261 Repair and Maintenance Motor Vehicle	\$4,260.00	\$3,500.00	\$2,800.00	\$3,500.00	
262 Repair & Maint. Other Machinery	\$0.00	\$0.00	\$950.00	\$500.00	
283 Out of Town Expense	\$0.00	\$3,225.00	\$1,500.00	\$3,200.00	
290 Other Contractual Services	\$0.00	\$0.00	\$1,600.00	\$2,000.00	
3 Office Supplies and Materials	\$2,093.00	\$2,000.00	\$2,100.00	\$2,000.00	

5

320 Operating Supplies	\$14,898.00	\$14,200.00	\$11,500.00	\$9,000.00
322 Chemical, Lab, Medical	\$627.00	\$0.00	\$1,170.00	\$200.00
324 Food	\$0.00	\$0.00	\$0.00	\$1,000.00
326 Clothing and Uniforms	\$2,938.00	\$3,500.00	\$4,000.00	\$5,000.00
327 Fire Arms Supplies	\$1,136.00	\$1,500.00	\$575.00	\$700.00
329 Other Operating Supplies	\$1,493.00	\$9,668.00	\$5,000.00	\$5,000.00
331 Gas, Oil, Diesel fuel, Grease	\$736.00	\$0.00	\$700.00	\$900.00
332 Motor Vehicle Parts	\$3,266.00	\$1,250.00	\$100.00	\$200.00
334 Tires, Tubes and Ect	\$2,845.00	\$5,600.00	\$1,700.00	\$5,600.00
940 Cars - Lease	\$0.00	\$38,000.00	\$37,595.00	\$60,095.00
<b>SUB TOTAL - POLICE</b>	<b>\$256,119.00</b>	<b>\$299,905.00</b>	<b>\$297,760.00</b>	<b>\$366,864.00</b>
<b>42200 Fire Protection and Control</b>				
121 Chief - Wages	\$1,200.00	\$1,200.00	\$1,800.00	\$2,400.00
162 Firemen - Wages	\$1,415.00	\$1,700.00	\$1,855.00	\$1,900.00
190 Other Personal Services - Flowers	\$0.00	\$500.00	\$80.00	\$200.00
235 Memberships, Registration Fees and Tuition	\$248.00	\$2,000.00	\$200.00	\$250.00
236 Public Relation Misc	\$534.00	\$1,000.00	\$700.00	\$1,000.00
260 Repair and Maintenance Services	\$53.00	\$3,000.00	\$2,450.00	\$2,000.00
261 Repair and Maintenance Vehicles	\$259.00	\$0.00	\$1,800.00	\$2,000.00
283 Out of Town Expense	\$0.00	\$0.00	\$200.00	\$500.00
287 Meals and Entertainment	\$50.00	\$2,000.00	\$1,100.00	\$1,500.00
320 Operating Supplies	\$5,939.00	\$8,000.00	\$4,500.00	\$6,500.00
326 Clothing and Uniforms	\$443.00	\$5,000.00	\$6,100.00	\$7,500.00
331 Oil changes	\$0.00	\$0.00	\$0.00	\$200.00
511 General Liability Ins.	\$0.00	\$0.00	\$1,516.00	\$1,600.00
920 Building	\$0.00	\$0.00	\$0.00	\$350,000.00
<b>SUB TOTAL - FIRE DEPARTMENT</b>	<b>\$10,141.00</b>	<b>\$24,400.00</b>	<b>\$22,301.00</b>	<b>\$377,550.00</b>
<b>42300 Animal Control</b>				
240 Utilities	\$0.00	\$150.00	\$150.00	\$600.00
259 Other Professional Service - Vet	\$0.00	\$57.00	\$57.00	\$100.00
260 Repair and Maint	\$0.00	\$775.00	\$775.00	\$500.00
530 Rent	\$0.00	\$300.00	\$300.00	\$1,200.00
<b>SUB TOTAL - Animal Control</b>	<b>\$0.00</b>	<b>\$1,282.00</b>	<b>\$1,282.00</b>	<b>\$2,400.00</b>
<b>42620 Rescue Squad</b>				
235 Memberships, Registration Fees	\$0.00	\$0.00	\$100.00	\$100.00
260 Repair and Maint Services	\$0.00	\$0.00	\$50.00	\$100.00
310 Office Supplies and Materials	\$0.00	\$0.00	\$65.00	\$100.00
320 Operating Supplies	\$0.00	\$0.00	\$6,750.00	\$7,000.00

331 Oil changes	\$0.00	\$0.00	\$0.00	\$100.00	6
344 Safety Supplies	\$0.00	\$3,500.00	\$0.00	\$0.00	
920 Rescue Vehicle	\$0.00	\$5,000.00	\$0.00	\$0.00	
<b>SUB TOTAL - RESCUE SQUAD</b>	<b>\$0.00</b>	<b>\$8,500.00</b>	<b>\$6,965.00</b>	<b>\$3,400.00</b>	

43100 Highways and Streets

121 Supervisor - Wages	\$13,069.06	\$13,276.00	\$15,586.00	\$14,025.00	490
121 Crew - Wages	\$34,161.94	\$40,650.00	\$35,208.00	\$51,165.00	3.0%
130 Vacation/Bonus	\$0.00	\$0.00	\$0.00	\$1,115.00	
261 Repair and Maintenance Motor Vehicle	\$0.00	\$1,000.00	\$200.00	\$250.00	
262 repair and Maintenance other machinery	\$0.00	\$0.00	\$465.00	\$250.00	
320 Operating Supplies	\$0.00	\$0.00	\$700.00	\$700.00	
331 Gas, Oil, Diesel Fuel, Grease	\$0.00	\$0.00	\$50.00	\$100.00	
334 Tires, Tubes & Ect	\$0.00	\$0.00	\$150.00	\$250.00	
450 Raw Materials	\$0.00	\$0.00	\$0.00	\$2,500.00	
931 Road Materials and Repairs	\$0.00	\$0.00	\$0.00	\$10,000.00	
932 Drainage Improvements	\$0.00	\$5,000.00	\$5,000.00	\$25,000.00	
940 Bucket Truck	\$0.00	\$9,000.00	\$9,000.00	\$0.00	
<b>SUB TOTAL - HIGHWAY AND STREET</b>	<b>\$47,231.00</b>	<b>\$68,926.00</b>	<b>\$66,359.00</b>	<b>\$105,355.00</b>	

43200 Sanitation

121 Supervisor - Wages	\$11,974.08	\$10,862.00	\$10,771.00	\$11,475.00	490
121 Crew - Wages	\$27,349.92	\$33,259.00	\$29,623.00	\$35,471.00	3.0%
130 Vacation/Bonus	\$0.00	\$0.00	\$0.00	\$915.00	
219 Other Communication - pager	\$153.00	\$0.00	\$175.00	\$100.00	
236 Public Relation	\$0.00	\$500.00	\$0.00	\$120.00	
260 Repair and Maintenance Services	\$29.00	\$1,500.00	\$0.00	\$0.00	
261 Repair and Maintenance Motor Vehicle	\$4,428.00	\$3,500.00	\$1,800.00	\$3,500.00	
262 Repair and Maintenance Other Machinery	\$0.00	\$2,000.00	\$0.00	\$0.00	
295 Landfill Services	\$15,458.00	\$18,500.00	\$18,500.00	\$19,000.00	
320 Operating Supplies	\$1,985.00	\$2,500.00	\$800.00	\$1,500.00	
326 Clothing and Uniforms	\$2,396.00	\$2,000.00	\$2,000.00	\$2,500.00	
331 Gas, Oil, Diesel, Grease	\$65.00	\$0.00	\$50.00	\$50.00	
332 Motor Vehicle Parts	\$1,832.00	\$1,500.00	\$300.00	\$500.00	
334 Tires, Tubes and Ect.	\$0.00	\$2,000.00	\$100.00	\$1,000.00	

<b>SUB TOTAL- SANITATION</b>	<b>\$65,670.00</b>	<b>\$78,121.00</b>	<b>\$64,119.00</b>	<b>\$76,131.00</b>	
Transfer from General to Sewer	\$20,000.00	\$10,000.00	\$10,000.00	\$10,000.00	
Transfer from General to Street	\$50,000.00	\$55,000.00	\$55,000.00	\$0.00	

<b>Total Expenditures</b>	<b>\$1,049,202.00</b>	<b>\$1,519,621.00</b>	<b>\$1,485,340.00</b>	<b>\$1,584,477.00</b>	
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### Town Of Kimball State Street Aid Fund

Revenue		Actual 1998-1999	Budgeted 1999-2000	Estimated 1999-2000	Projected 2000-2001	2000-2001
33551	State Gas Tax	\$37,858.00	\$34,200.00	\$34,200.00	\$34,000.00	
36100	Interest	\$399.00	\$456.00	\$420.00	\$380.00	
36961	Transferred from General Fund	\$50,000.00	\$60,000.00	\$55,000.00	\$0.00	
37990	Misc	\$694.00	\$0.00	\$0.00	\$0.00	
<b>Total Revenues</b>		<b>\$88,951.00</b>	<b>\$94,656.00</b>	<b>\$89,620.00</b>	<b>\$34,380.00</b>	

Expenditures		Actual 1998-1999	Budgeted 1999-2000	Estimated 1999-2000	Projected 2000-2001	2000-2001
931	Road Materials and Repairs	\$54,235.00	\$60,000.00	\$22,300.00	\$8,000.00	
121	Salaries	\$0.00	\$13,276.00	\$0.00	\$0.00	
240	Utilities	\$17,619.00	\$16,880.00	\$0.00	\$0.00	
247	Street Lights Electricity	\$0.00	\$0.00	\$19,500.00	\$20,000.00	
248	Traffic Light Electricity	\$0.00	\$0.00	\$640.00	\$750.00	
149	Payroll Taxes	\$0.00	\$1,000.00	\$0.00	\$0.00	
260	Repair & Maint Service	\$0.00	\$1,000.00	\$200.00	\$400.00	
261	Repair & Maint Motor Vehicles	\$0.00	\$0.00	\$300.00	\$0.00	
320	Operating Supplies	\$0.00	\$0.00	\$300.00	\$300.00	
321	Agriculture & Horticulture	\$0.00	\$0.00	\$250.00	\$250.00	
329	Miscellaneous	\$0.00	\$2,500.00	\$0.00	\$0.00	
331	Gas, Oil, Diesel Fuel, Grease	\$0.00	\$0.00	\$200.00	\$0.00	
332	Motor Vehicle Parts	\$0.00	\$0.00	\$160.00	\$0.00	
333	Machinery & Equipment Parts	\$0.00	\$0.00	\$300.00	\$300.00	
334	Tires, Tubes and Ect	\$0.00	\$0.00	\$400.00	\$0.00	
340	Other Repair & Maint Supplies	\$1,361.00	\$0.00	\$300.00	\$300.00	
342	Sign Parts and Supplies	\$0.00	\$0.00	\$200.00	\$200.00	
343	Traffic Signal Supplies	\$0.00	\$0.00	\$800.00	\$800.00	
450	Raw Materials	\$5,756.00	\$0.00	\$2,000.00	\$3,000.00	
555	Bank Service Charges	\$0.00	\$0.00	\$60.00	\$0.00	
932	Bridges and Tunnels	\$0.00	\$0.00	\$39,370.00	\$0.00	
<b>Total Expenditures</b>		<b>\$78,971.00</b>	<b>\$94,656.00</b>	<b>\$87,280.00</b>	<b>\$34,300.00</b>	

# Town Of Kimball

## Sewer Fund

### Revenue

	Actual 1998-1999	Budgeted 1999-2000	Estimated 1999-2000	Projected 2000-2001	2000-2001
37210 Sewer Services Charges	\$26,769.00	\$10,000.00	\$31,000.00	\$26,500.00	
36100 Interest Earnings	\$161.00	\$350.00	\$440.00	\$400.00	
36961 Transferred from General Fund	\$0.00	\$30,000.00	\$10,000.00	\$10,000.00	
37296 Sewer Tap Fees			\$1,000.00	\$1,000.00	
37299 Grease Trap Fees	\$681.00	\$2,700.00	\$4,200.00	\$4,000.00	
<b>Total Revenues</b>	<b>\$27,611.00</b>	<b>\$43,050.00</b>	<b>\$46,640.00</b>	<b>\$41,900.00</b>	

### Expenditures

	Actual 1998-1999	Budgeted 1999-2000	Estimated 1999-2000	Projected 2000-2001	2000-2001
121 Salaries	\$0.00	\$0.00	\$0.00	\$0.00	
241 Electric	\$2,327.00	\$2,600.00	\$2,700.00	\$2,750.00	
260 Repairs	\$2,451.00	\$5,000.00	\$5,184.00	\$5,000.00	
290 Sewer Samples and Professional !	\$1,840.00	\$1,000.00	\$3,793.00	\$4,000.00	
540 Depreciation	\$0.00	\$14,000.00	\$20,500.00	\$20,500.00	
630 Interest Expense	\$18,914.00	\$14,780.00	\$9,603.00	\$9,341.00	
565 Permit Fee	\$0.00	\$0.00	\$270.00	\$0.00	
340 Miscellaneous	\$1,924.00	\$5,670.00	\$1,000.00	\$300.00	
<b>Total Expenditures</b>	<b>\$27,456.00</b>	<b>\$43,050.00</b>	<b>\$43,050.00</b>	<b>\$41,891.00</b>	

## Employee Wages from June 28 until June 30

Name	Amount	Taxes	Total	Vacation		Total	Grand
				Time	Taxes		Total
Tonia Moss	\$330.00	\$25.25	\$355.25	\$330.00	\$25.25	\$355.25	\$710.49
Margaret Thomas	\$255.00	\$19.51	\$274.51	\$0.00	\$0.00	\$0.00	\$274.51
							<b>\$985.00</b>
Ray Durham	\$438.39	\$33.54	\$471.93	\$730.64	\$55.89	\$786.53	\$1,258.46
Roger Frizzell	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Greg Rowe	\$520.20	\$39.80	\$560.00	\$520.20	\$39.80	\$560.00	\$1,119.99
Doug Henderson	\$168.30	\$12.87	\$181.17	\$1,040.40	\$79.59	\$1,119.99	\$1,301.17
Chris Webb	\$520.20	\$39.80	\$560.00	\$520.20	\$39.80	\$560.00	\$1,119.99
George Stephens, Jr.	\$260.10	\$19.90	\$280.00	\$520.20	\$39.80	\$560.00	\$839.99
Jeff Lancaster	\$198.90	\$15.22	\$214.12	\$520.20	\$39.80	\$560.00	\$774.11
Tommy Jordan	\$520.20	\$39.80	\$560.00	\$0.00	\$0.00	\$0.00	\$560.00
							<b>\$6,973.71</b>
Ralph Durham	\$274.80	\$21.02	\$295.82	\$916.00	\$70.07	\$986.07	\$1,281.90
Arlin Brewer	\$246.00	\$18.82	\$264.82	\$820.00	\$62.73	\$882.73	\$1,147.55
Marion Toney	\$246.00	\$18.82	\$264.82	\$0.00	\$0.00	\$0.00	\$264.82
Don Ellis	\$246.00	\$18.82	\$264.82	\$0.00	\$0.00	\$0.00	\$264.82
Mark Reed	\$246.00	\$18.82	\$264.82	\$0.00	\$0.00	\$0.00	\$264.82
							<b>\$3,223.90</b>
						<b>Total</b>	<b>\$11,182.61</b>



**ORDINANCE NO. 135**

**AN ORDINANCE TO AMEND ORDINANCE NUMBER THREE (3) AND IT'S AMENDMENTS TO INCREASE THE SALARY OF THE TOWN RECORDER, THE SALARY OF THE POLICE CHIEF AND TOWN CLERK, AND TO SET THE SALARY FOR THE SUPERVISOR OF THE STREET, GARBAGE AND MAINTENANCE DEPARTMENT FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance number Three (3) and it's subsequent amendments, the last being Ordinance 128, the Town of Kimball, Tennessee, created the office of Town Recorder and Treasurer, Town Clerk and Chief of Police; and

**WHEREAS**, the Town of Kimball has adopted a new budget for the year 2000-2001 and the Mayor and Board of Aldermen has determined that it is in the best interest of the Town of Kimball to increase the annual salary paid to the Town Recorder, the Chief of Police, the Town Clerk, and to set the annual salary of the Supervisor of the Street, Garbage and Maintenance Department by Ordinance; and

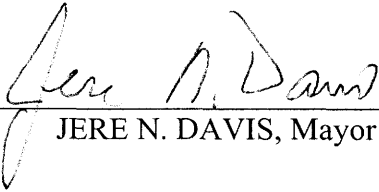
**WHEREAS**, the Mayor and Board of Alderman have determined that the annual salary for the Town Recorder shall be \$ 29,458.00, the Chief of Police shall be \$39,133.00, the Town Clerk shall be \$ 22,763.00, and the Supervisor of the Street, Garbage and Maintenance Department shall be \$25,500.00.

**NOW THEREFORE, BE IT ORDAINED**, by the Board of Mayor and Alderman of the Town of Kimball, Tennessee; that Ordinance Number One Hundred Twenty Eight (128) shall be deleted in it's entirety and substituted in lieu with the following;

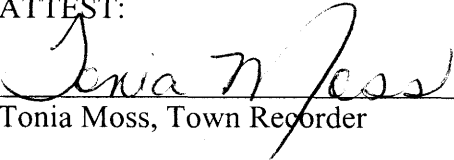
- Section 3:**
- A            That the salary for the Office of Town Recorder be and the same is hereby is fixed at \$29,458.00 per year, payable out of the general funds of the Town.
  
  - B.            That the salary for the Office of Chief of Police be and the same is hereby is fixed at \$39,133.00 per year, payable out of the general funds of the Town.
  
  - C.            That the salary for the Office of Town Clerk be and the same is hereby is fixed at \$ 22,763.00 per year, payable out of the general funds of the Town.
  
  - D.            That the salary for the Supervisor of the Street, Garbage and Maintenance Department be and the same is hereby fixed at \$25,500.00 per year, payable out of the general funds of the Town.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Alderman, THE PUBLIC WELFARE REQUIRING IT.


PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 29<sup>th</sup> day of June, 2000.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading June 1, 2000.

Passed on second reading June 29, 2000.

ORDINANCE NO. 136

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO DECREASE THE MINIMUM FRONT YARD BUILDING SETBACK LINE IN THE C-2 HIGHWAY COMMERCIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

WHEREAS, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1.** The amendment herein described shall be applicable to Chapter 4: ZONING DISTRICTS of the Official Zoning Ordinance of Kimball, Tennessee.

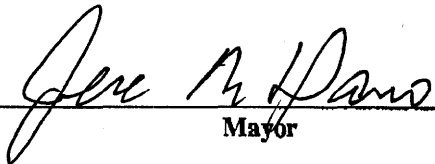
**Section 2.** Section 14-404 SPECIFIC DISTRICT REGULATIONS—C-2 HIGHWAY COMMERCIAL DISTRICT, subsection 4b shall be deleted in its entirety and the following substituted in lieu thereof:

b. Front yard. The depth of the front yard shall be 35 feet from the highway right-of-way.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, THE PUBLIC WELFARE REQUIRING IT.

FIRST READING: August 10, 2000

SECOND READING: September 7, 2000

  
\_\_\_\_\_  
Mayor

ATTEST   
\_\_\_\_\_  
City Recorder

ORDINANCE NUMBER 137

AN ORDINANCE TO AMEND KIMBALL MUNICIPAL  
CODE TITLE 9 TO SET FORTH PROCEDURES FOR  
CONDUCTING ROAD BLOCKS IN THE TOWN OF  
KIMBALL, TENNESSEE

WHEREAS, the Kimball Municipal Code Section 9-101 et seq., sets forth the permitting requirements and procedures for peddlers, solicitors, etc.; and

WHEREAS, the Town of Kimball has traditionally allowed charitable, religious and school groups to conduct road blocks within the Town for fund raising projects; and

WHEREAS, it has been brought to the attention of the Board of Mayor and Aldermen that Kimball Municipal Code Section 9-101 et seq. does not authorized such activities; and

WHEREAS, the Board of Mayor and Aldermen have determined that it is in the best interest of the Town to amend its Ordinance so as to allow solicitors for charitable or religious purposes as defined hereinafter to offer for sale their goods or services when properly permitted; and

WHEREAS, the Board of Mayor and Aldermen have further determined that an application form for a permit should be filed on behalf of the applicant at least ten (10) days before the requested road block and that the Chief of Police shall impose such conditions on the permit and limit it to such locations and time periods as he deems necessary for the safety and well being of the public.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

Section 1: Title 9 of the Kimball Municipal Code be amended by the addition of the following: 9-106 Road Blocks may be conducted by a solicitor for charitable purposes provided the following are complied with:

(1) "Solicitor for charitable or religious purposes" means an organization which solicits contributions from the public, either on the streets of the Town of Kimball or on public property within the Town for any charitable, religious or school purpose, and which does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollar (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets all of the following conditions:

(a) It has a current exemption certificate from the Internal Revenue Service Issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended or is a public school organization or Church.

(b) It is organized for charitable, religious or school purposes.

(c) It has been in continued existence as a charitable, religious or school organization for a period of two (2) years prior to the date of its application for registration under this chapter.

(d) Any person soliciting for the organization for such charitable, religious or school purpose must be properly permitted as set forth hereinafter and must be sixteen (16) years of age or older.

9-107. Permit procedure. (1) A sworn application containing the following information shall be completed and filed with the Town Recorder at least ten (10) days before the requested activity by each applicant for a permit and by each applicant for a permit as a solicitor for charitable or religious purposes:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates, times and locations which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the Town.

(e) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit shall submit with his application a nonrefundable fee of fifteen dollars (\$15.00).

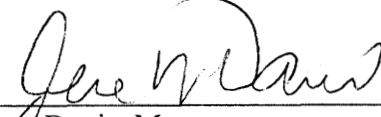
(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the Town Recorder shall issue a permit and provide a copy of the same to the applicant; however, the permit shall be subject to such additional conditions and requirements as imposed thereon by the Chief of Police as he deems necessary for the safety and well being of the public.

(4) Submission of application form to Chief of Police. Immediately after the applicant obtains a permit from the Town Recorder, the Recorder shall submit to the Chief of Police a copy of the application form and the permit; and the chief of police shall place such additional conditions and requirements thereon as he deems necessary for the safety and well being of the general public. Upon failure of the permittee to comply with the conditions and requirements imposed by the Chief of Police or failure to comply with any other provisions of this chapter, the permit may be suspended and/or revoked by the Town Recorder.

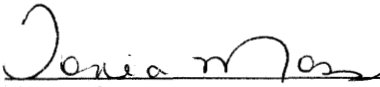
Section 2. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section 3. This Ordinance shall take effect from and after its final passage.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on second and final reading on the 17<sup>th</sup> day of December, 2000.

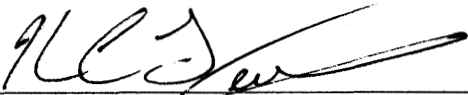
  
\_\_\_\_\_  
Jere Davis, Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

Passed on 1<sup>st</sup> reading: 11-2-2000  
Passed on 2<sup>nd</sup> reading: 12-7-2000

Approved as to form:

  
\_\_\_\_\_  
Kevin L. Featherston, Town Attorney

**ORDINANCE TO AMEND ORDINANCE NOS.  
41, 50, 89 AND 131 OF THE TOWN OF KIMBALL,  
TENNESSEE REGARDING THE SEWER RATE  
APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Board of Mayor and Aldermen has previously enacted Ordinance Nos. 41, 50, 89 and 131 regarding the sewer system, sewer usage and sewer rates for the Town of Kimball, Tennessee; and

**WHEREAS**, the Board of Mayor and Aldermen has determined that a more simplified rate schedule is needed as well as the need to establish rate increases over a period of three years in the best interest of the citizens of the Town of Kimball, Tennessee; and

**WHEREAS**, by provisions of Section 7 of Ordinance No. 41, the Board of Mayor and Aldermen of the Town of Kimball are authorized to regulate sewer rate schedules and connecting fees; and

**WHEREAS**, by Ordinance Nos. 50, 89 and 131, the Board of Mayor and Aldermen have amended Section 7 of Ordinance No. 41 pertaining to sewer rates to be applied to the sewer service in the Town of Kimball, Tennessee; and

**WHEREAS**, the Town of Kimball, Tennessee has adopted the Kimball Municipal Code and all provisions regarding sewer usage rates and connection fees are contained in Title 18 of said Municipal Code with the sewer rates scheduled being set forth in Title 18-107;

**WHEREAS**, in order to meet the obligations imposed by the laws of the State of Tennessee, and the obligation incurred for providing sewer service in the Town of Kimball, the Board of Mayor and Aldermen of the Town of Kimball, is of the opinion that Ordinance Nos. 41, 50, 89 and 131 along with Title 18-107 of the Kimball Municipal Code, need to be amended to adjust the existing sewer rate;

**IT IS, THEREFORE, ORDAINED AND ENACTED** by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, that the sewer rate schedule set rate set forth in Ordinance Nos. 41, 50, 89 and 131 and Title 18-107 of the Kimball Municipal Code be deleted in its entirety and the following rate schedule be substituted in lieu thereof:

**SEWER RATE SCHEDULE.**

\$60.00 per month up to three thousand (3,000) gallons (minimum bill).  
\$3.00 per 1,000 gallons over 3,001 to 18,000 gallons.  
\$2.95 per 1,000 gallons over 18,000 gallons.

Effective July 1, 2001:

\$60.00 per month up to three thousand (3,000) gallons (minimum bill).  
\$4.00 per 1,000 gallons over 3,001 gallons.

Effective July 1, 2002:


\$65.00 per month up to three thousand (3,000) gallons (minimum bill).  
\$4.50. per 1,000 gallons over 3,001 gallons.

Effective July 1, 2003:

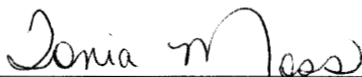
\$70.00 per month up to three thousand (3,000) gallons (minimum bill).  
\$5.00 per 1,000 gallons over 3,001 gallons.

This Ordinance and the above established sewer rate schedule shall become effective after its passage and publication as required by law, the public welfare requiring it.


PASSED AND APPROVED by the Board of Mayor and Alderman on the 2nd and final reading on the 8<sup>th</sup> day of February, 2001.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading 1-4-2001

Passed on second reading 2-8-2001



**ORDINANCE NO. 139**

**AN ORDINANCE TO AMEND ORDINANCE 134 CONCERNING THE BUDGET FOR THE YEAR 2000-2001 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 29<sup>th</sup> day of June, 2000, as set forth an Ordinance 134, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2000-2001, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendment to the budget set forth in Exhibit "A" attached hereto.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

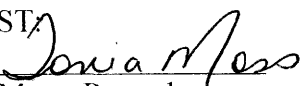
**Section 1:** That Ordinance 134 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 134, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2000-2001.

**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 7<sup>TH</sup> day of JUNE, 2001.

  
JERRE N. DAVIS, Mayor

ATTEST:  
  
Tonia Moss, Recorder

APPROVED AS TO FORM:  
  
Kevin L. Featherston, Attorney

Passed on First Reading MAY 3, 2001.

Passed on Second Reading JUNE 7, 2001.

# Amendments for Year 2000-2001

Account Number	Account Name Revenues for General Fund	Budgeted 2000-2001	Amendments	Amended Budget Amounts
31212	Property Tax - 2nd Prior Year	\$100.00	-\$100.00	\$0.00
33501	Telecommunications	\$0.00	\$100.00	\$100.00
33559	Police-Inservice from State	\$0.00	\$3,600.00	\$3,600.00
37710	Reserves	\$179,351.00	\$163,001.00	\$342,352.00
			<u>\$166,601.00</u>	

Account Number	Account Name Expenditures for General Fund	Budgeted 2000-2001	Amendments	Amended Budget Amounts
41650-161	Personnel Admin. - Board & Committee Members	\$19,200.00	\$400.00	\$19,600.00
41810-265	City Hall Bldg - Repair and Maint Ground	\$6,000.00	-\$400.00	\$5,600.00
41990-259	Other Government-Other Prof. Services	\$22,000.00	\$3,600.00	\$25,600.00
41990-621	Other Government-Retirement of Bank Note	\$0.00	\$37,755.00	\$37,755.00
41990-630	Other Government-Interest	\$0.00	\$9,657.00	\$9,657.00
41990-920	Other Government-Buildings	\$9,816.00	-\$9,816.00	\$0.00
42100-940	Police-Lease on Cars	\$60,095.00	-\$57,595.00	\$2,500.00
42200-236	Fire Protection - Public Relations	\$1,000.00	-\$500.00	\$500.00
42200-260	Fire Protection - Repair and Maint Service	\$2,000.00	-\$1,000.00	\$1,000.00
42200-261	Fire Protection - Repair & Maint Vehicle Maint	\$2,000.00	-\$1,000.00	\$1,000.00
42200-320	Fire Protection - Operating Supplies	\$6,500.00	-\$5,000.00	\$1,500.00
42200-326	Fire Protection - Clothing and Uniforms	\$7,500.00	-\$4,500.00	\$3,000.00
42200-920	Fire Protection - Building	\$350,000.00	\$201,000.00	\$551,000.00
42620-320	Rescue Squad - Operating Supplies	\$3,000.00	-\$2,000.00	\$1,000.00
43100-940	Highway & Streets - Machinery & Equipment	\$0.00	\$5,587.00	\$5,587.00
43200-326	Sanitation - Clothing and Uniforms	\$2,500.00	\$413.00	\$2,913.00
51652-001	Operating Transferred to Sewer Fund	\$10,000.00	-\$10,000.00	\$0.00
			<u>\$166,601.00</u>	

Account Number	Account Name Revenues for Sewer Fund	Budgeted 2000-2001	Amendments	Amended Budget Amounts
36961	Tranfer from General Fund	\$10,000.00	-\$10,000.00	\$0.00
37920	Other Sewer Operating Revenue	\$0.00	\$1,515.00	\$1,515.00
37210	Sewer Service Charge	\$26,500.00	\$8,485.00	\$34,985.00
			<u>\$0.00</u>	

## ORDINANCE NUMBER 140

### AN ORDINANCE TO AMEND ORDINANCE NUMBER 130 TO AMEND THE KIMBALL MUNICIPAL CODE

WHEREAS, by Ordinance Number 130, the Town of Kimball, Tennessee adopted the Kimball Municipal Code as prepared by the Municipal Technical Advisory Service Institute for the Public Service in cooperation with the Tennessee Municipal League; and

WHEREAS, after a thorough review of said Municipal Code, certain typographical errors were discovered as set forth below:

- a. Title 14, Chapter 1, Section 14-510 entitled "Site Plan Submissions" contains a duplicate paragraph ("D"). The duplicate paragraph should be deleted.
- b. Title 14, Chapter 1, Section 14-703 entitled "Building Permits" includes the phrase "with a value in excess of \$2,000.00" in the first paragraph of said Section but is not contained in the enacting Ordinance and should be deleted.
- c. Title 17, Chapter 1, Section 17-102 (2) sets the quarterly collection fee at \$12.00, when it should be \$120.00

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee have determined that said Municipal Code needs to be amended to properly reflect prior Ordinances adopted by the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Kimball Municipal shall be amended by making the following additions, deletions and modifications:

Section 1: Title 14, Chapter 1, Section 5.10 shall be amended by deleting the second paragraph (D) in its entirety.

Section 2. The first paragraph of Title 14, Chapter 1, Section 7.03 shall be deleted in its entirety and replaced with the following:

14-703. **Building Permits.** It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures; to commence the moving, alteration, or repair of any structure including accessory structures; or to commence the filling of land or to cause any such work to be done within the corporate limits of Kimball until the building inspector has issued for such work a building permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform to the provisions of this ordinance.

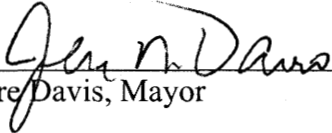
Section 3. Title 17, Chapter 1, Section 17-102 (2) shall be deleted in its entirety and the following shall be substituted therefor:

17-102. **Collection Fee.** (2) The city recorder or assignee shall prepare for the beginning of each quarter a statement showing the total fee of one hundred twenty dollars (\$120.00) due for the upcoming quarter and shall mail or cause the same to be delivered to the user within ten (10) days after the quarter begins.

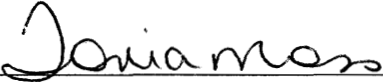
Section 4. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining part shall be severable and shall continue to be in full force and effect.

Section 5. That this Ordinance shall take effect and be in force from and after July 1, 2001, the public welfare of the Town of Kimball requiring it.

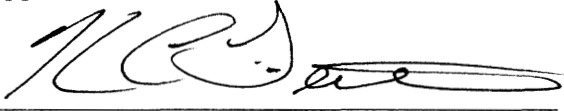
Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on second and final reading on the 7<sup>TH</sup> day of JUNE, 2001.

  
\_\_\_\_\_  
Jere Davis, Mayor

ATTEST:

  
\_\_\_\_\_  
Recorder

Approved as to form:

  
\_\_\_\_\_  
Kevin L. Featherston, Town Attorney

Passed on 1<sup>st</sup> reading: MAY 3, 2001

Passed on 2<sup>nd</sup> reading: JUNE 7, 2001

**RESOLUTION NO. 2001-01**

WHEREAS, the Town of Kimball, Tennessee is a Tennessee Municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with a financial institution for the safekeeping of the Town's depository account; and

WHEREAS, from time to time, the Town of Kimball purchases, after competitive bidding, certificates of deposit in order to obtain interest on funds; and

WHEREAS, as a result of the nature of the certificate of deposit market, from time to time, certificates have to be purchased, cashed in or renewed; and

WHEREAS, the financial institutions require agreements setting forth who is authorized to open said depository account; and

WHEREAS, the Mayor and board of Aldermen have determined that the Mayor, Vice Mayor and Town Recorder should be the authorized signatories on all accounts of the Town of Kimball, Tennessee; and

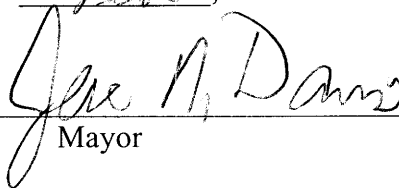
WHEREAS, the Mayor and Board of Aldermen have determined that two signatures should be required for better control of all depository accounts.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

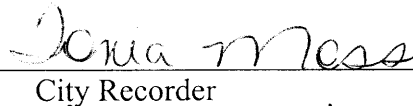
1. The Mayor, Vice Mayor and Town Recorder shall have the authority to open any depository or share account in the name of the Town of Kimball.
2. After each election or resignation of any of the Mayor, Vice Mayor and Town Recorder, the Town will furnish to all financial institution having deposits for the Town of Kimball and names and signatures of its officers authorized to execute depository documents.
3. Any two signatures of the above-stated officers shall be required to open and/or close any depository accounts of the Town of Kimball.
4. This Resolution will continue to have effect until express, written modification has been received and recorded by any financial institution. Any and all prior resolutions adopted by the Town are in full force and effect until the financial institution receives and acknowledges an express written notice of its revocation, modification or replacement.

The resolution approved on the 12 day of Feb, 2001.

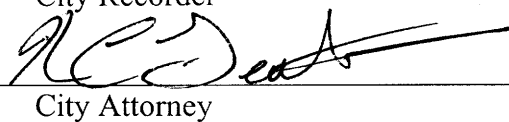
Signed:

  
\_\_\_\_\_  
Mayor

Attested:

  
\_\_\_\_\_  
City Recorder

Approved as to form:

  
\_\_\_\_\_  
City Attorney

**ORDINANCE NO. 141**

**AN ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2001-2002**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2001-2002.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

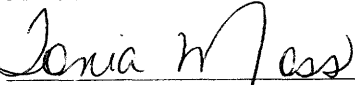
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

- SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2001-2002.
- SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.
- SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 2001, the public welfare of the Town of Kimball requiring it.


PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 29<sup>th</sup> day of June, 2001.

  
JERE N. DAVIS, Mayor

ATTEST:

  
Tonia Moss, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading June 7, 2001.

Passed on Second Reading June 29, 2001.

## TOWN OF KIMBALL

ACCOUNT NUMBER	ACCOUNT NAME	Actual 1998-1999	Adjusted 1999-2000 by CPA's	Budgeted & Amended 2000-2001	Estimated 2000-2001	Budgeted 2001-2002
31110	Real and Personal Property Tax	\$31,104.94	\$33,791.69	\$31,500.00	\$32,572.00	\$33,000.00
31211	Property Tax Delinquent 1st Year	\$1.83	\$0.00	\$600.00	\$414.00	\$600.00
31212	Property Tax Delinquent 2nd Year	\$4.93	\$0.00	\$0.00	\$0.00	\$0.00
31219	Property Tax Delinquent Other Prior Years	\$0.00	\$140.75	\$100.00	\$101.00	\$200.00
31320	Interest and Penalty on Property Taxes	\$0.00	\$950.27	\$300.00	\$93.00	\$150.00
31610	Local Sales Tax – Co. Trustee	\$912,762.05	\$1,012,977.05	\$915,000.00	\$1,007,053.00	\$915,000.00
31710	Wholesale Beer Tax	\$77,195.83	\$74,696.94	\$78,000.00	\$75,258.00	\$72,000.00
31820	Gross Receipt Tax	\$82,493.19	\$87,030.20	\$86,500.00	\$95,626.00	\$86,500.00
31912	Cable TV Franchise Tax	\$3,830.63	\$2,726.88	\$4,100.00	\$4,536.00	\$2,800.00
31920	Room Occupancy Tax	\$122,031.97	\$117,619.21	\$105,000.00	\$117,944.00	\$105,000.00
<b>SUB TOTAL - LOCAL TAXES</b>		<b>\$1,229,425.37</b>	<b>\$1,329,932.99</b>	<b>\$1,221,100.00</b>	<b>\$1,333,597.00</b>	<b>\$1,215,250.00</b>
32210	Beer Licenses	\$1,600.00	\$2,400.00	\$1,600.00	\$1,839.00	\$1,600.00
32610	Building Permits	\$13,266.80	\$13,497.65	\$13,000.00	\$8,255.00	\$9,000.00
32611	Ambulance Rent	\$6,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
32612	911 Rent	\$9,817.32	\$9,817.32	\$9,816.00	\$9,816.00	\$9,816.00
32690	Other Permits	\$302.50	\$0.00	\$0.00	\$0.00	\$0.00
32710	Sign Permits	\$4,376.50	\$3,638.58	\$3,500.00	\$1,650.00	\$1,600.00
<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>		<b>\$35,363.12</b>	<b>\$32,353.55</b>	<b>\$30,916.00</b>	<b>\$24,560.00</b>	<b>\$25,016.00</b>
33501	Telecommunications	\$0.00	\$0.00	\$100.00	\$189.00	\$150.00
33320	TVA Payments in Lieu of Taxes	\$7,636.68	\$8,282.82	\$6,700.00	\$8,330.00	\$6,700.00
33510	State Sales Tax	\$74,238.38	\$76,543.53	\$72,000.00	\$77,788.00	\$72,000.00
33520	State Income Tax	\$2,190.08	\$2,765.05	\$1,250.00	\$2,788.00	\$2,200.00
33530	State Beer Tax	\$624.60	\$651.67	\$630.00	\$675.00	\$630.00
33552	State-City Streets and Transport	\$3,047.96	\$3,058.43	\$3,200.00	\$2,988.00	\$3,000.00
33559	State- Police-Supplement Pay	\$0.00	\$4,200.00	\$3,600.00	\$3,600.00	\$4,200.00
<b>SUB TOTAL - STATE TAXES</b>		<b>\$87,737.70</b>	<b>\$95,501.50</b>	<b>\$87,480.00</b>	<b>\$96,358.00</b>	<b>\$88,880.00</b>
34121	Clerks' Fees – Business Tax	\$580.00	\$635.00	\$500.00	\$590.00	\$575.00
34240	Accident Report Charges	\$408.00	\$614.00	\$600.00	\$1,043.00	\$850.00
34400	Sanitation – Charges for Service	\$8,700.00	\$8,560.00	\$8,500.00	\$10,160.00	\$9,600.00
<b>SUB TOTAL - FEES</b>		<b>\$9,688.00</b>	<b>\$9,809.00</b>	<b>\$9,600.00</b>	<b>\$11,793.00</b>	<b>\$11,025.00</b>



ACCOUNT NUMBER	ACCOUNT NAME	Actual 1998-1999	Adjusted 1999-2000 by CPA's	Budgeted 2000-2001	Estimated	Budgeted 2001-2002
35110	City Court Fines and Costs	\$27,794.40	\$28,753.15	\$32,500.00	\$24,399.00	\$28,000.00
35111	Litigation Tax	-\$1,145.33	\$0.00	\$0.00	\$0.00	\$0.00
<b>SUB TOTAL - FINES</b>		<b>\$26,649.07</b>	<b>\$28,753.15</b>	<b>\$32,500.00</b>	<b>\$24,399.00</b>	<b>\$28,000.00</b>
36100	Interest Earnings	\$14,140.88	\$24,384.84	\$15,000.00	\$24,500.00	\$10,000.00
36220	Lease of Property - Powertel & Signal One	\$3,450.00	\$8,550.00	\$5,550.00	\$6,000.00	\$6,000.00
36310	Sale of Land	\$100,765.08	\$0.00	\$0.00	\$0.00	\$0.00
36330	Sale of Equipment - Police Cars	\$0.00	\$11,052.00	\$0.00	\$0.00	\$0.00
36512	Sale of Gasoline	\$2,095.23	\$1,827.54	\$1,750.00	\$760.00	\$500.00
36710	Contributions and Donations - Fire Dept	\$632.75	\$1,325.00	\$0.00	\$600.00	\$500.00
36990	Miscellaneous	\$24,372.62	\$5,489.11	\$5,100.00	\$3,800.00	\$5,000.00
36930	Sale of Notes	\$0.00	\$107,500.00	\$0.00	\$0.00	\$0.00
<b>SUB TOTAL - OTHER REVENUES</b>		<b>\$145,456.56</b>	<b>\$160,128.49</b>	<b>\$27,400.00</b>	<b>\$35,660.00</b>	<b>\$22,000.00</b>
37710	Reserves			\$342,352.00	\$0.00	
<b>Total Revenues</b>		<b>\$1,534,319.82</b>	<b>\$1,656,478.68</b>	<b>\$1,751,348.00</b>	<b>\$1,526,367.00</b>	<b>\$1,390,171.00</b>
Fund Balance		-\$259,542.31	-\$109,504.31		\$182,992.71	\$0.00
2000-2001						
CD's		\$0.00				
SAVINGS		\$508,323.65				
SAVINGS		\$14,803.34				
TOTAL		\$523,126.99				
<b>Total</b>		<b>\$1,274,777.51</b>	<b>\$1,546,974.37</b>	<b>\$1,751,348.00</b>	<b>\$1,709,359.71</b>	<b>\$1,390,171.00</b>

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## EXPENDITURES

	Actual 1998-1999	Adjusted 1999- 2000 by CPA's	Budgeted 2000-2001	Estimated	Budgeted 2001-2002
121 Wages – Mayor	\$15,325.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
41510 City Recorder Wages	\$26,433.82	\$25,975.63	\$29,458.00	\$29,458.00	\$30,931.00
121 City Clerk Wages	\$17,525.25	\$21,226.00	\$22,763.00	\$22,763.00	\$23,901.00
130 Vacation/Bonus Pay	\$0.00	\$0.00	\$1,250.00	\$2,270.75	\$2,350.00
41650 Board/Administration Wages	\$20,500.00	\$19,200.00	\$19,600.00	\$19,600.00	\$19,200.00
<b>SUBTOTAL WAGES, BOARD, RECORDER, CLERK</b>	<b>\$79,784.07</b>	<b>\$81,401.63</b>	<b>\$88,071.00</b>	<b>\$89,091.75</b>	<b>\$91,382.00</b>
41810 City Hall Building					
240 Utility Service	\$97.37	\$0.00	\$0.00	\$0.00	\$0.00
241 Electric	\$9,460.45	\$8,655.89	\$9,500.00	\$8,569.00	\$15,000.00
242 Water	\$725.77	\$741.48	\$800.00	\$479.00	\$1,140.00
244 Gas	\$2,909.50	\$2,875.52	\$3,000.00	\$5,587.00	\$9,000.00
245 Telephone and Telegraph	\$8,351.61	\$7,358.87	\$9,000.00	\$7,717.00	\$8,000.00
249 Other Utility Services	\$1,999.65	\$0.00	\$0.00	\$0.00	\$0.00
260 Repair and Maint service	\$21.06	\$322.03	\$500.00	\$0.00	\$0.00
261 Repair and Maint vehicles	\$369.81	\$0.00	\$0.00	\$0.00	\$0.00
265 Repair and Maintenance Grounds	\$0.00	\$16,545.33	\$5,600.00	\$3,600.00	\$10,500.00
266 Repair and Maint Bldg	\$2,236.19	\$0.00	\$0.00	\$0.00	\$0.00
320 Operating Expense	\$0.00	\$0.00	\$0.00	\$88.00	\$0.00
321 Agriculture & Horticultures	\$0.00	\$0.00	\$0.00	\$308.00	\$300.00
<b>SUBTOTAL – CITY HALL BUILDING</b>	<b>\$23,837.85</b>	<b>\$36,499.12</b>	<b>\$28,400.00</b>	<b>\$26,348.00</b>	<b>\$43,940.00</b>
41990 Other General Government Expenses					
142 Hospital and Health Insurance	\$63,021.89	\$74,111.08	\$88,900.00	\$89,822.00	\$84,540.00
143 Retirement – Current	\$11,408.43	\$21,634.24	\$12,980.00	\$12,980.00	\$13,570.92
149 Other Employer Contributions	\$42,224.71	\$29,193.34	\$33,100.00	\$35,818.00	\$37,405.75
166 Judge	\$0.00	\$0.00	\$0.00	\$0.00	\$4,800.00
167 Building Inspector	\$0.00	\$0.00	\$0.00	\$0.00	\$7,200.00
190 Other Personal Services - Flowers	\$0.00	\$177.95	\$500.00	\$308.00	\$500.00
211 Postage, Box Rent, Ect.	\$1,200.30	\$0.00	\$2,000.00	\$1,160.00	\$2,000.00
213 Automotive License and Title	\$13.50	\$0.00	\$0.00	\$15.00	\$0.00
219 Other Communication and Transportation	\$87.18	\$428.71	\$0.00	\$28.00	\$100.00
220 Printing, Duplicate, Ect.	\$612.00	\$0.00	\$0.00	\$339.00	\$500.00
231 Publication of Formal and Legal Notices	\$2,416.31	\$3,903.24	\$3,300.00	\$3,300.00	\$3,828.33
233 Gen Sub to Newspaper Ect.	\$262.38	\$0.00	\$0.00	\$0.00	\$0.00
235 Memberships, Registration Fees, and Tuition	\$6,157.48	\$6,289.71	\$6,400.00	\$6,602.00	\$6,800.00
236 Public Relations	\$3,667.34	\$4,000.00	\$4,500.00	\$6,750.00	\$8,500.00

St. Jude - \$500

Shriners - \$500

	Lions Club - \$500	Historical Society \$5,000	Family and Children Services - \$500			
239 Other Publicity	\$16.26	\$2,503.94	\$2,000.00	\$1,028.00	\$2,000.00	
245 Telephone and Telegraph – Cell Phones	\$831.20	\$2,197.62	\$1,400.00	\$976.00	\$700.00	
246 Fire Hydrant Rental	\$17,007.61	\$11,872.30	\$13,000.00	\$13,000.00	\$14,000.00	
249 Other Utility Services – Pest Control	\$0.00	\$680.00	\$480.00	\$480.00	\$780.00	
252 Legal Services	\$11,417.80	\$23,322.70	\$24,000.00	\$33,017.00	\$26,200.00	
253 Accounting and Auditing Services	\$12,665.25	\$28,425.37	\$10,700.00	\$8,080.00	\$8,600.00	
255 Data Processing Services – Computer	\$7,281.00	\$10,437.00	\$9,000.00	\$6,346.00	\$9,000.00	
257 Tennessee State Planning Office Services	\$2,118.00	\$4,000.00	\$4,000.00	\$3,530.00	\$4,000.00	
259 Other Prof Services (Janitorial, Survey, Engineer)	\$11,887.10	\$30,048.11	\$25,600.00	\$33,714.00	\$8,000.00	
260 Repair and Maint	\$179.26	\$0.00	\$0.00	\$0.00	\$0.00	
261 Repair and Maint Motor Vehicles	\$1,274.63	-\$123.88	\$0.00	\$0.00	\$0.00	
262 Repair and Maint other Machinery	\$193.75	\$0.00	\$0.00	\$0.00	\$0.00	
263 Repair and Maintenance Furniture, Office Ma	\$582.00	\$106.90	\$150.00	\$50.00	\$0.00	
269 Repair and Maintenance Other Repair and Ma	\$0.00	\$725.82	\$750.00	\$671.00	\$1,500.00	
283 Out of Town Expense	\$0.00	\$1,534.24	\$2,500.00	\$1,130.00	\$2,000.00	
287 Meals and Entertainment	\$213.98	\$0.00	\$0.00	\$0.00	\$0.00	
289 Other Travel	\$2,702.51	\$0.00	\$0.00	\$0.00	\$0.00	
290 Other Contractual Services (Dispatchers)	\$125,708.37	\$140,668.66	\$155,000.00	\$146,802.00	\$156,000.00	
310 Office Supplies and Materials	\$4,968.80	\$3,959.43	\$4,200.00	\$4,600.00	\$5,000.00	
312 Gen. Small Items of Equip	\$411.98	\$0.00	\$0.00	\$0.00	\$0.00	
319 Other Supplies and Materials	\$59.96	\$0.00	\$0.00	\$0.00	\$0.00	
320 Gen. Operating Supplies	\$796.27	\$0.00	\$0.00	\$0.00	\$0.00	
321 Agriculture & Horticultures	\$120.16	\$0.00	\$0.00	\$218.00	\$0.00	
322 Chemical, Lab, Medical	\$260.00	\$0.00	\$0.00	\$280.00	\$0.00	
323 Food - Christmas Dinner/Hams/Turkeys	\$461.68	\$675.65	\$2,500.00	\$1,694.00	\$2,500.00	
324 Household and Janitorial Supplies	\$2,497.54	\$1,596.93	\$2,000.00	\$1,600.00	\$2,000.00	
326 Clothing and Uniforms	\$88.50	\$350.75	\$0.00	\$0.00	\$0.00	
328 Educational Supplies	\$122.95	\$0.00	\$0.00	\$0.00	\$0.00	
329 Other Operating Supplies	\$21,235.91	\$980.47	\$2,500.00	\$2,415.00	\$2,500.00	
331 Gas, Oil, Diesel Fuel, Grease, Ect.	\$12,412.51	\$15,460.61	\$15,000.00	\$15,904.00	\$21,000.00	
333 Machinery & Equipment Parts	\$267.15	\$0.00	\$0.00	\$0.00	\$0.00	
511 Insurance on Buildings	\$3,707.00	\$6,018.72	\$13,500.00	\$17,639.00	\$20,000.00	
514 Surety bonds	\$950.90	\$887.50	\$2,500.00	\$1,126.00	\$2,500.00	
515 Workers Compensation Ins.	\$33,880.00	\$11,660.10	\$25,500.00	\$19,758.00	\$25,500.00	
519 Other Ins.	\$11,073.00	\$0.00	\$0.00	\$0.00	\$0.00	
520 Property Ins.	\$0.00	\$925.00	\$1,850.00	\$4,727.00	\$5,000.00	

522 Vehicle Ins.	\$13,549.00	\$12,171.97	\$12,200.00	\$13,977.00	\$14,000.00
523 Equip Ins	\$4,692.88	\$0.00	\$0.00	\$0.00	\$0.00
555 Bank Charges - overdrawn, checks, deposit slips	\$133.00	\$16.46	\$50.00	\$76.00	\$100.00
569 Litigation Tax	\$0.00	\$1,764.37	\$0.00	\$0.00	\$2,000.00
594 Retirement - Administrative cost	\$0.00	\$2,157.72	\$1,300.00	\$1,300.00	\$1,300.00
596 Penalties for late filing	\$0.00	\$1,764.37	\$0.00	\$0.00	\$0.00
621 Debt Service Principle (Lease Police Car Payments)	\$0.00	\$37,595.12	\$37,755.00	\$37,755.00	\$39,869.00
630 Interest	\$1,695.13	\$0.00	\$9,657.00	\$9,657.00	\$7,543.00
910 Land	\$0.00	\$262,653.00	\$0.00	\$0.00	\$0.00
920 911 Payment	\$10,635.43	\$8,999.21	\$0.00	\$0.00	\$0.00
930 Improvements (Christmas lights & park equip)	\$70,509.47	\$0.00	\$25,000.00	\$4,342.00	\$55,000.00
934 Water line improvements (Water Tank)	\$0.00	\$73,300.00	\$12,000.00	\$30,270.00	\$43,900.00
940 Machinery & Equipment Parts	\$7,492.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Subtotal - Other General Expenses</b>	<b>\$527,171.46</b>	<b>\$839,074.43</b>	<b>\$567,772.00</b>	<b>\$573,284.00</b>	<b>\$652,237.00</b>
<b>42100 Police</b>	<b>1998-1999</b>	<b>1999-2000</b>	<b>2000-2001</b>	<b>Estimated</b>	<b>2001-2002</b>
121 Chief - Wages	\$0.00	\$38,245.56	\$39,133.00	\$39,133.00	\$41,089.00
121 Lieutenant - Wages	\$0.00	\$21,692.00	\$0.00	\$600.00	\$0.00
121 Patrolmen - Wages	\$219,310.72	\$168,422.78	\$216,686.00	\$199,614.90	\$202,386.00
130 Vacation/Bonus/Holiday/Supplement	\$0.00	\$0.00	\$9,230.00	\$4,357.68	\$18,253.00
211 Postage, Box Rent, Ect	\$0.00	\$1,348.78	\$0.00	\$0.00	\$0.00
219 Other Communication and Transportation	\$540.58	\$16.46	\$420.00	\$440.00	\$480.00
220 Printing, Duplicating, Ect.	\$648.91	\$0.00	\$0.00	\$426.00	\$500.00
235 Memberships, Registration Fees and Tuition	\$425.00	\$550.00	\$1,200.00	\$580.00	\$1,000.00
236 Public Relations	\$471.64	\$0.00	\$0.00	\$0.00	\$0.00
239 Other Publicity	\$78.16	\$0.00	\$0.00	\$0.00	\$0.00
245 Telephone - Cell phone	\$1,549.63	\$1,389.51	\$1,300.00	\$1,550.00	\$1,800.00
259 Other Professional Service	\$580.00	\$325.00	\$0.00	\$450.00	\$500.00
261 Repair and Maintenance Motor Vehicle	\$4,260.46	\$3,593.53	\$3,500.00	\$3,500.00	\$5,500.00
262 Repair & Maint. Other Machinery	\$0.00	\$936.83	\$500.00	\$745.00	\$1,000.00
263 Repair and Maint Furniture, Office	\$270.00	\$0.00	\$0.00	\$0.00	\$0.00
264 Repair and Maint Traffic Lights	\$917.27	\$0.00	\$0.00	\$0.00	\$0.00
283 Out of Town Expense	\$0.00	\$1,261.90	\$3,200.00	\$2,500.00	\$2,500.00
287 Meals and Entertainment	\$232.12	\$0.00	\$0.00	\$0.00	\$0.00
290 Other Contractual Services	\$0.00	\$1,781.00	\$2,000.00	\$200.00	\$500.00
289 Other Travel	\$710.19	\$0.00	\$0.00	\$0.00	\$0.00
310 Office Supplies and Materials	\$2,092.62	\$2,023.03	\$2,000.00	\$1,200.00	\$2,000.00
312 Small Items of Equip	\$1,595.00	\$0.00	\$0.00	\$0.00	\$0.00
319 Other Office Supplies	\$109.74	\$0.00	\$0.00	\$0.00	\$0.00

320 Operating Supplies	\$14,724.46	\$11,358.23	\$9,000.00	\$5,000.00	\$18,000.00
322 Chemical, Lab, Medical	\$627.46	\$1,229.94	\$200.00	\$534.00	\$1,000.00
323 Food	\$76.00	\$0.00	\$1,000.00	\$200.00	\$1,000.00
326 Clothing and Uniforms	\$2,906.29	\$3,920.60	\$5,000.00	\$4,000.00	\$4,500.00
327 Fire Arms Supplies	\$1,135.55	\$574.79	\$700.00	\$100.00	\$400.00
329 Other Operating Supplies	\$3,212.41	\$2,478.36	\$5,000.00	\$200.00	\$3,000.00
331 Gas, Oil, Diesel fuel, Grease	\$698.80	\$763.99	\$900.00	\$870.00	\$1,500.00
332 Motor Vehicle Parts	\$3,265.62	\$76.59	\$200.00	\$200.00	\$500.00
333 Machinery & Equipment Parts	\$267.91	\$0.00	\$0.00	\$0.00	\$0.00
334 Tires, Tubes and Ect	\$3,013.68	\$1,018.00	\$5,600.00	\$3,185.00	\$4,200.00
940 Cars - Lease payment from Gen. Fund to Auditors	\$0.00	\$107,500.00	\$2,500.00	\$0.00	\$0.00
<b>SUB TOTAL - POLICE</b>	<b>\$263,720.22</b>	<b>\$370,506.88</b>	<b>\$309,269.00</b>	<b>\$269,585.58</b>	<b>\$311,608.00</b>

	1998-1999	1999-2000	2000-2001	Estimated	2001-2002
<b>42200 Fire Protection and Control</b>					
121 Chief - Wages	\$1,200.00	\$1,800.00	\$2,400.00	\$2,400.00	\$2,400.00
162 Firemen - Wages	\$3,270.00	\$1,390.00	\$1,900.00	\$1,900.00	\$1,900.00
190 Other Personal Services - Flowers	\$0.00	\$40.00	\$200.00	\$50.00	\$200.00
212 Freight, Express,	\$0.00	\$0.00	\$0.00	\$60.00	\$100.00
235 Memberships, Registration Fees and Tuition	\$247.95	\$210.00	\$250.00	\$266.00	\$300.00
236 Public Relation Misc	\$533.64	\$685.00	\$500.00	\$100.00	\$500.00
260 Repair and Maintenance Services	\$53.16	\$2,231.14	\$1,000.00	\$120.00	\$3,000.00
261 Repair and Maintenance Vehicles	\$258.82	\$1,735.06	\$1,000.00	\$5.00	\$5,000.00
262 Repair and Maint. Other Mach	\$365.00	\$0.00	\$0.00	\$0.00	\$0.00
283 Out of Town Expense	\$0.00	\$199.85	\$500.00	\$305.00	\$500.00
287 Meals and Entertainment	\$50.00	\$1,041.29	\$1,500.00	\$965.00	\$1,500.00
289 Other Travel	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00
299 Sundry	\$130.00	\$0.00	\$0.00	\$0.00	\$0.00
319 Other Office Supplies	\$25.14	\$0.00	\$0.00	\$0.00	\$0.00
320 Operating Supplies	\$5,938.99	\$3,804.11	\$1,500.00	\$1,200.00	\$3,000.00
323 Food	\$843.39	\$0.00	\$0.00	\$0.00	\$0.00
326 Clothing and Uniforms	\$442.74	\$4,840.48	\$3,000.00	\$1,700.00	\$3,500.00
329 Other Operating Supplies	\$322.63	\$0.00	\$0.00	\$80.00	\$0.00
331 Oil changes	\$0.00	\$0.00	\$200.00	\$0.00	\$200.00
332 Motor Vehicle Parts	\$648.03	\$0.00	\$0.00	\$200.00	\$200.00
460 Appliances	\$0.00	\$0.00	\$0.00	\$879.00	\$0.00
511 General Liability Ins.	\$0.00	\$1,516.00	\$1,600.00	\$1,638.00	\$1,800.00
920 Building	\$0.00	\$0.00	\$551,000.00	\$554,000.00	\$30,000.00
<b>SUB TOTAL - FIRE DEPARTMENT</b>	<b>\$14,429.49</b>	<b>\$19,492.93</b>	<b>\$566,550.00</b>	<b>\$565,868.00</b>	<b>\$54,100.00</b>

437

	1998-1999	1999-2000	2000-2001	Estimated	2001-2002
<b>42300 Animal Control</b>					
240 Utilities	\$0.00	\$150.00	\$600.00	\$386.00	\$600.00
259 Other Professional Service - Vet	\$0.00	\$59.01	\$100.00	\$100.00	\$100.00
260 Repair and Maint	\$0.00	\$775.00	\$500.00	\$0.00	\$500.00
530 Rent	\$0.00	\$300.00	\$1,200.00	\$1,200.00	\$1,200.00
<b>SUB TOTAL - Animal Control</b>	<b>\$0.00</b>	<b>\$1,284.01</b>	<b>\$2,400.00</b>	<b>\$1,686.00</b>	<b>\$2,400.00</b>
<b>42620 Rescue Squad</b>					
235 Memberships, Registration Fees	\$0.00	\$85.00	\$100.00	\$50.00	\$100.00
260 Repair and Maint Services	\$0.00	\$273.47	\$100.00	\$46.00	\$100.00
261 Repair and Maint Service Vehicles	\$0.00	\$0.00	\$0.00	\$120.00	\$2,000.00
310 Office Supplies and Materials	\$0.00	\$65.00	\$100.00	\$32.00	\$100.00
320 Operating Supplies	\$0.00	\$6,653.79	\$1,000.00	\$53.00	\$5,000.00
331 Oil changes	\$0.00	\$0.00	\$100.00	\$0.00	\$100.00
<b>SUB TOTAL - RESCUE SQUAD</b>	<b>\$0.00</b>	<b>\$7,077.26</b>	<b>\$1,400.00</b>	<b>\$301.00</b>	<b>\$7,400.00</b>
<b>43100 Highways and Streets</b>					
121 Supervisor - Wages	\$0.00	\$15,586.00	\$14,025.00	\$14,024.87	\$14,726.00
121 Crew - Wages	\$47,230.59	\$36,465.23	\$51,165.00	\$53,012.64	\$57,228.00
130 Vacation/Bonus	\$0.00	\$0.00	\$1,115.00	\$1,456.14	\$2,139.00
261 Repair and Maintenance Motor Vehicle	\$567.77	-\$465.80	\$250.00	\$652.00	\$2,000.00
262 repair and Maintenance other machinery	\$0.00	\$522.18	\$250.00	\$200.00	\$250.00
320 Operating Supplies	\$0.00	\$772.74	\$700.00	\$2,700.00	\$2,800.00
326 Clothing and Uniforms	\$0.00	\$0.00	\$0.00	\$695.80	\$1,000.00
331 Gas, Oil, Diesel Fuel, Grease	\$0.00	\$22.74	\$100.00	\$500.00	\$700.00
332 Motor Vehicle Parts	\$0.00	\$0.00	\$0.00	\$200.00	\$250.00
334 Tires, Tubes & Ect	\$0.00	\$135.76	\$250.00	\$1,545.00	\$3,200.00
450 Raw Materials	\$0.00	\$0.00	\$2,500.00	\$290.00	\$2,500.00
471 Asphalt & Filler	-\$62.94	\$0.00	\$0.00	\$0.00	\$0.00
931 Road Materials and Repairs	\$0.00	\$0.00	\$10,000.00	\$0.00	\$20,000.00
932 Drainage Improvements	\$0.00	\$300.00	\$25,000.00	\$25,859.00	\$0.00
940 Tractor/Lawn Mower	\$16,135.00	\$9,000.00	\$5,587.00	\$5,587.00	\$30,000.00
<b>SUB TOTAL - HIGHWAY AND STREET</b>	<b>\$63,870.42</b>	<b>\$62,338.85</b>	<b>\$110,942.00</b>	<b>\$106,722.45</b>	<b>\$136,793.00</b>

43200 Sanitation	1998-1999	1999-2000	2000-2001	Estimated	2001-2002
121 Supervisor - Wages	\$0.00	\$10,771.00	\$11,475.00	\$11,475.00	\$12,048.00
121 Crew - Wages	\$39,493.00	\$28,568.13	\$35,471.00	\$38,623.55	\$45,528.00
130 Vacation/Bonus	\$0.00	\$0.00	\$915.00	\$1,191.38	\$1,785.00
219 Other Communication - pager	\$0.00	\$149.79	\$100.00	\$95.00	\$100.00
236 Public Relation	\$0.00	\$0.00	\$120.00	\$0.00	\$0.00
261 Repair and Maintenance Motor Vehicle	\$6,340.00	\$2,455.84	\$3,500.00	\$925.00	\$2,500.00
295 Landfill Services	\$17,104.00	\$18,967.25	\$19,000.00	\$17,777.00	\$19,500.00
320 Operating Supplies	\$5,036.00	\$1,216.00	\$1,500.00	\$1,376.00	\$2,000.00
326 Clothing and Uniforms	\$2,325.00	\$1,875.26	\$2,913.00	\$2,742.00	\$3,350.00
331 Gas, Oil, Diesel, Grease	\$65.00	\$22.74	\$50.00	\$206.00	\$500.00
332 Motor Vehicle Parts	\$0.00	\$223.25	\$500.00	\$376.00	\$500.00
334 Tires, Tubes and Ect.	\$0.00	\$50.00	\$1,000.00	\$1,686.00	\$2,500.00
940 Garbage Truck	\$70,676.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>SUB TOTAL- SANITATION</b>	<b>\$141,039.00</b>	<b>\$64,299.26</b>	<b>\$76,544.00</b>	<b>\$76,472.93</b>	<b>\$90,311.00</b>
Transfer from General to Sewer	\$110,925.00	\$10,000.00	\$0.00	\$0.00	\$0.00
Transfer from General to Street	\$50,000.00	\$55,000.00	\$0.00	\$0.00	\$0.00
<b>Total Expenditures</b>	<b>\$1,274,777.51</b>	<b>\$1,546,974.37</b>	<b>\$1,751,348.00</b>	<b>\$1,709,359.71</b>	<b>\$1,390,171.00</b>

5% Raise for All Employees

# Town of Kimball

## State Street Aid Fund

Account Number	Revenue	Actual 1998-1999	CPA'S #'S 1999-2000	BUDGETED 2000-2001	Estimated 2000-2001	BUDGETED 2001-2002
33551	State Gas Tax	\$35,181.50	\$35,299.99	\$34,000.00	\$34,000.00	\$34,000.00
36100	Interest	\$398.60	\$716.41	\$380.00	\$678.00	\$450.00
36961	Transferred General Fund	\$50,000.00	\$55,000.00	\$0.00	\$0.00	\$0.00
37990	Misc	\$694.00	\$0.00	\$0.00	\$218.48	\$0.00
<b>Total Revenues</b>		<b>\$86,274.10</b>	<b>\$91,016.40</b>	<b>\$34,380.00</b>	<b>\$34,896.48</b>	<b>\$34,450.00</b>

Account Number	Expenditures	Actual 1998-1999	CPA'S #'S 1999-2000	BUDGETED 2000-2001	Estimated 2000-2001	BUDGETED 2001-2002
931	Road Materials and Repairs	\$54,235.00	\$22,278.95	\$8,000.00	\$1,209.00	\$9,680.00
240	Utilities	\$17,619.38	\$0.00	\$0.00	\$0.00	\$0.00
247	Street Lights Electricity	\$0.00	\$19,517.27	\$20,000.00	\$17,416.00	\$20,000.00
248	Traffic Light Electricity	\$0.00	\$634.64	\$750.00	\$603.00	\$770.00
260	Repair & Maint Service	\$0.00	\$141.00	\$400.00	\$103.00	\$500.00
261	Repair & Maint Motor Veh.	\$0.00	\$159.87	\$0.00	\$0.00	\$0.00
320	Operating Supplies	\$0.00	\$140.11	\$300.00	\$0.00	\$500.00
321	Agriculture & Horticulture	\$0.00	\$195.40	\$250.00	\$0.00	\$0.00
331	Gas, Oil, Diesel, Grease	\$1,204.61	\$148.52	\$0.00	\$0.00	\$0.00
332	Motor Vehicle Parts	\$0.00	\$78.56	\$0.00	\$0.00	\$0.00
333	Machinery & Equip. Parts	\$0.00	\$168.90	\$300.00	\$0.00	\$0.00
334	Tires, Tubes and Ect	\$0.00	\$327.02	\$0.00	\$0.00	\$0.00
340	Other Repair & Maint Supp.	\$1,360.90	\$0.00	\$300.00	\$0.00	\$0.00
342	Sign Parts and Supplies	\$0.00	\$166.01	\$200.00	\$1,021.00	\$1,000.00
343	Traffic Signal Supplies	\$0.00	\$652.21	\$800.00	\$0.00	\$500.00
450	Raw Materials	\$5,755.87	\$548.37	\$3,000.00	\$478.00	\$1,000.00
452	Gravel and Sand	\$0.00	\$0.00	\$0.00	\$151.00	\$500.00
555	Bank Service Charges	\$0.00	\$51.00	\$0.00	\$0.00	\$0.00
932	Bridges and Tunnels	\$6,076.70	\$41,689.41	\$0.00	\$0.00	\$0.00
<b>Total Expenditures</b>		<b>\$86,252.46</b>	<b>\$86,897.24</b>	<b>\$34,300.00</b>	<b>\$20,981.00</b>	<b>\$34,450.00</b>



# TOWN OF KIMBALL

## SEWER FUND

REVENUE		Actual	CPA's #'s 1999	Budgeted &	Estimated	Budgeted
		1998-1999	2000	Amended 2000	2000-2001	2001-2002
				2001		
37210	Sewer Services Charges	\$22,264.81	\$31,654.08	\$34,985.00	\$39,672.00	\$36,000.00
36100	Interest Earnings	\$164.60	\$542.12	\$400.00	\$862.00	\$700.00
36961	Transferred from General Fund	\$110,925.00	\$10,000.00	\$0.00	\$0.00	\$0.00
37296	Sewer Tap Fees	\$0.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
37299	Grease Trap Fees	\$0.00	\$10,800.00	\$4,000.00	\$4,100.00	\$6,600.00
37990	Other Non-Operating Revenues	\$1,581.05	\$0.00	\$1,515.00	\$1,890.00	\$0.00
<b>Total Revenues</b>		<b>\$134,935.46</b>	<b>\$53,996.20</b>	<b>\$41,900.00</b>	<b>\$47,524.00</b>	<b>\$44,300.00</b>

EXPENDITURES		Actual	CPA's #'s 1999	Budgeted &	Estimated	Budgeted
		1998-1999	2000	Amended 2000	2000-2001	2001-2002
				2001		
121	Salaries	\$0.00	\$0.00	\$0.00	\$253.00	\$434.00
235	Memberships, Registrations	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00
241	Electric	\$2,326.63	\$2,579.39	\$2,750.00	\$3,616.00	\$4,200.00
260	Repairs	\$1,051.89	\$0.00	\$5,000.00	\$5,213.00	\$7,900.00
290	Sewer Samples and Professional S	\$1,960.00	\$2,607.50	\$4,000.00	\$1,560.00	\$650.00
540	Depreciation	\$20,382.47	\$20,900.87	\$20,500.00	\$21,100.00	\$21,500.00
630	Interest Expense	\$11,884.64	\$10,424.06	\$9,341.00	\$9,341.00	\$9,066.00
693	Bond Amortization Expense	\$170.20	\$170.20	\$0.00	\$0.00	\$0.00
555	Bank Service Charge	\$0.00	\$0.00	\$0.00	\$57.00	\$0.00
565	Permit Fee	\$0.00	\$269.35	\$0.00	\$250.00	\$250.00
340	Other Repairs & Maints	\$1,923.75	\$991.65	\$300.00	\$304.00	\$300.00
<b>Total Expenditures</b>		<b>\$40,699.58</b>	<b>\$37,943.02</b>	<b>\$41,891.00</b>	<b>\$41,694.00</b>	<b>\$44,300.00</b>

## **ORDINANCE NO. 142**

### **AN ORDINANCE TO AMEND ORDINANCE NUMBER THREE (3) AND IT'S AMENDMENTS TO INCREASE THE SALARY OF THE TOWN RECORDER, POLICE CHIEF, TOWN CLERK, AND THE SUPERVISOR OF THE STREET, GARBAGE AND MAINTENANCE DEPARTMENT FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance number Three (3) and it's subsequent amendments, the last being Ordinance 135, the Town of Kimball, Tennessee, created the office of Town Recorder and Treasurer, Town Clerk and Chief of Police and Supervisor of the Street, arbage and Maintenance Department; and

**WHEREAS**, the Town of Kimball has adopted a new budget for the year 2001-2002 and the Mayor and Board of Aldermen has determined that it is in the best interest of the Town of Kimball to increase the annual salary paid to the Town Recorder, the Chief of Police, the Town Clerk, and the Supervisor of the Street, Garbage and Maintenance Department by Ordinance; and

**WHEREAS**, the Mayor and Board of Alderman have determined that the annual salary for the Town Recorder shall be \$ 30,931.00, the Chief of Police shall be \$41,089.00, the Town Clerk shall be \$ 23,901.00, and the Supervisor of the Street, Garbage and Maintenance Department shall be \$26,775.00.

**WHEREAS**, the Mayor and Board of Alderman have further determined that enacting an Ordinance each year to show the change of salaries for the above-referenced positions is a waste of the Town's time and resources, and have determined that the sums set forth in the Budget of the Town of Kimball each fiscal year for the funding of these positions shall be the method for stating the income of the four positions set forth herein.


**NOW THEREFORE, BE IT ORDAINED**, by the Board of Mayor and Alderman of the Town of Kimball, Tennessee; that Section 3 of Ordinance Number One Hundred Thirty-Five (135) shall be deleted in it's entirety and substituted in lieu thereof with the following;

- Section 3:**
- A            That the salary for the Office of Town Recorder be and the same is hereby fixed at \$30,931.00 per year, payable out of the general funds of the Town.
  
  - B.            That the salary for the Office of Chief of Police be and the same is hereby fixed at \$41,089.00 per year, payable out of the general funds of the Town.

- C. That the salary for the Office of Town Clerk be and the same is hereby fixed at \$ 23,901.00 per year, payable out of the general funds of the Town.
- D. That the salary for the Supervisor of the Street, Garbage and Maintenance Department be and the same is hereby fixed at \$26,775.00 per year, payable out of the general funds of the Town.
- E. That henceforth the salary for the Town Recorder, Treasurer, Town Clerk, Chief of Police and the Supervisor of the Street, Garbage and Maintenance Department shall be set forth in the annual budget of the Town without necessitating the enactment of an Ordinance each year.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Alderman, THE PUBLIC WELFARE REQUIRING IT.


PASSED AND APPROVED by the Board of Mayor and Alderman on the second and final reading on the 29<sup>th</sup> day of June, 2001.

  
 \_\_\_\_\_  
 JERE N. DAVIS, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Kevin L. Featherston  
 Attorney for Town of Kimball

Passed on first reading June 7, 2001.

Passed on second reading June 29, 2001.

**2001-2002 PROJECTED SALARIES WITH 5% INCREASE  
TOWN EMPLOYEES AND NO INCREASE FOR ELECTED OFFICIALS**

<b>NAME</b>	<b>SALARY Employees</b>	<b>Weekly Rate</b>	<b>HOURLY Employees</b>	<b>With Holiday Pay</b>	<b>Total Per Department</b>
CHIEF RAY DURHAM	\$41,089.00	\$790.17			
PATROLMAN GREG ROWE		\$563.04	\$29,278.08	\$30,291.55	
PATROLMAN DOUG HENDERSON		\$563.04	\$29,278.08	\$30,291.55	
PATROLMAN CHRIS WEBB		\$563.04	\$29,278.08	\$30,291.55	
PATROLMAN GEORGE STEPHENS, JR		\$563.04	\$29,278.08	\$30,291.55	
PATROLMAN JEFF LANCASTER		\$563.04	\$29,278.08	\$30,291.55	
PATROLMAN TOMMY JORDAN		\$563.04	\$29,278.08	\$30,291.55	\$222,838.31
RECORDER TONIA MOSS	\$30,931.00	\$594.83			
CLERK PEGGY THOMAS	\$23,901.00	\$459.63			\$54,832.00
SUPERVISOR MARION TONEY	\$26,775.00	\$514.90			
MAINTENANCE ARLIN BREWER		\$443.60	\$23,067.20		
MAINTENANCE RALPH DURHAM		\$443.60	\$23,067.20		
MAINTENANCE DON ELLIS		\$443.60	\$23,067.20		
MAINTENANCE MARK REED		\$443.60	\$23,067.20		\$119,043.80
MAYOR JERE DAVIS	\$15,000.00				
VICE-MAYOR DAVID JACKSON	\$4,800.00				
ALDERMAN JERRY DON CASE	\$4,800.00				
ALDERMAN CARL TAYLOR	\$4,800.00				
ALDERMAN JOHN "BUTCH" WITCHER	\$4,800.00				\$34,200.00
FIRE CHIEF JEFF KEEF	\$2,400.00				\$2,400.00
<b>TOTAL</b>	<b>\$159,296.00</b>		<b>\$92,268.80</b>	<b>\$181,749.31</b>	<b>\$433,314.11</b> <del>\$433,314.11</del>

**ORDINANCE NUMBER 143**

**ORDINANCE TO ESTABLISH A TAX LEVY  
FOR THE CALENDAR YEAR 2001  
FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Town of Kimball, Tennessee has previously adopted Ordinance Number 36 for the purpose of levying a tax on all taxable property in said Town. Said Ordinance has been amended by Ordinance Numbers 43, 74, 86 and 122; and

**WHEREAS**, in accordance with said Ordinances, the Mayor and Board of Aldermen may amend the rate of tax as they deem necessary; and

**WHEREAS**, as the result of the recent appraisal of property by the State of Tennessee, the Mayor and Board of Aldermen, have determined it necessary to establish the tax rate at \$0.10 dollars per one hundred dollars of assessed evaluation.

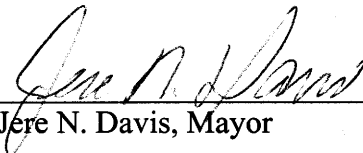
**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**SECTION ONE:** There is hereby levied a tax for general purposes at a rate of \$0.10 dollars on each one hundred dollars of assessed evaluation on all taxable property within the Corporate limits of the Town of Kimball, Tennessee, for the calendar year ending December 31, 2001. This tax is levied in accordance with Ordinance Number 36, as amended by Ordinance Numbers 43, 74, 86, and 122, and said rate shall be effective until changed by proper action of the Mayor and Board of Aldermen.

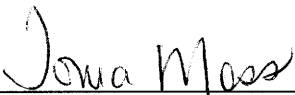
**SECTION TWO:** Should any part of this Ordinance be held invalid by any Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION THREE:** This Ordinance shall take effect from and after its final passage.

**PASSED AND APPROVED** by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, on second and final reading on the 4th day of October, 2001.

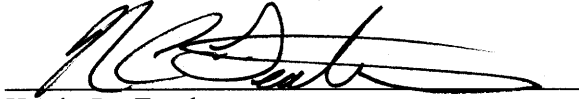
  
\_\_\_\_\_  
Jere N. Davis, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia Moss, Recorder

Passed on 1<sup>st</sup> reading: September 6, 2001  
Passed on 2<sup>nd</sup> reading: October 4, 2001

Approved as to form:



Kevin L. Featherston  
Attorney for the Town of Kimball

G:\Wpdocs99\Town of Kimball\Ordinances\Ordinance Number 143.Tax Levy.wpd

## ORDINANCE NO. 144

### AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE RELATING TO ABANDONED, UNAUTHORIZED AND JUNK VEHICLES

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, have determined that certain acts related to abandoned, unauthorized and junk vehicles or parts thereof, are public nuisances; and

**WHEREAS**, the Kimball Municipal Code does not contain any provisions for the abatement or removal of these public nuisances from public or private property; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that it is in the best interest of the Town to amend the Kimball Municipal Code to set forth the procedures for the abatement and removal, as public nuisances, of abandoned, unauthorized and junk vehicles or parts thereof, from private property.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

#### SECTION 1: Definitions.

- (1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.
- (2) "Private Property" shall include all property that is not public property, regardless of how the property is zoned or used.
- (3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.
- (4)(a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.
- (4)(b) "Junk Vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

- (1) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;
- (2) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.
- (3) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.
- (4) Missing or partial or totally disassembled essential interior parts, including but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.
- (5) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.
- (6) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.
- (7) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.
- (8) General Environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

SECTION 2: Violations a civil offense. It shall be unlawful and a civil offense for any person:

- (1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
- (2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.
- (3) To park, store, keep, maintain on private property a junk vehicle for more than twenty (20) days.



SECTION 3: Exceptions.

(a) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(1) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(2) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(b) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city.

SECTION 4: Enforcement. Any police officer, upon his becoming aware thereof, shall provide notice by personal service or certified mail, return receipt requested, to the last registered property owner of record, that a hearing may be requested and that if no hearing is requested the vehicle shall be removed.

SECTION 5: If a request for hearing is received, notice giving the time, debt, location and date of the hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance shall be mailed by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment role, and to the last registered legal owner of record unless the vehicle is in such condition that the identifications are not available to determine ownership, and unto any other person, known to have an interest in either the real property or the vehicle.

SECTION 6: The owner of the land on which the vehicle is located may appear in person at the hearing and deny responsibility for the presence of the vehicle on the land, with reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without consent of the landowner and that he has not subsequently acquiesced in its presence, then the Court shall not assess cost of the administration or removal of the vehicle against the property upon which the vehicle is located, or otherwise attempt to collect the costs from the owner of the land.

SECTION 7: Costs of removal of junk vehicles, or parts thereof, under this section shall be assessed against the last registered owner of the vehicle or automobile hulk if the identity of the owner can be determined, or the costs may be assessed against the owner of the property on which the vehicle is stored, unless the property owner establishes the facts set forth above in Section 6.

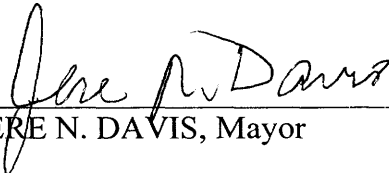
SECTION 8: After notice has been given of the city's attempt to dispose of the vehicle and after the hearing, if requested, has been held, the vehicle, or parts thereof, shall be removed at the request of a police officer and be disposed of to a licensed motor vehicle wrecker with notice to the Tennessee Department of Public Safety that the vehicle has been wrecked.

SECTION 9: In addition to the remedies provided above, every person violating this chapter shall be deemed to have committed a civil infraction and shall be subject to a fine of up to \$50.00, plus court costs for each day that the violation continues to occur after appropriate notice and hearing.

SECTION 10: Severability. Each section, subsection, paragraph, sentence and clause this ordinance is declared to be severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other provision of the ordinance.

**THEREFORE, BE IT FURTHER ORDAINED**, that this ordinance shall become affective upon second and final reading, the public welfare requirement.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2nd and final reading on the 4TH day of APRIL, 2002.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading MARCH 7, 2002.

Passed on second reading APRIL 4, 2002.

## ORDINANCE NO. 145

### AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO MAKE A VIOLATION OF TENNESSEE CODE ANNOTATED §55-12-139 A MUNICIPAL ORDINANCE VIOLATION

**WHEREAS**, Title 15, Section 15-105 of the Kimball Municipal Code adopts the various “rules of the road” provisions of the *Tennessee Code Annotated* as municipal ordinances; and

**WHEREAS**, the State the Tennessee has enacted a new financial responsibility law requiring that every vehicle maintain proof of financial responsibility as defined in the *Tennessee Code Annotated*; and

**WHEREAS**, under the authority of *Tennessee Code Annotated* §55-10-307, municipalities are authorized to make violations of *Tennessee Code Annotated* §55-12-139 municipal ordinance violations; and

**WHEREAS**, the Mayor and Aldermen of the Town of Kimball have determined that it is in the best interests of the Town to add *Tennessee Code Annotated* §55-12-139 to the provisions covered by Title 15, Section 15-105 of the Kimball Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

#### SECTION 1: Compliance with financial responsibility law required.

- (1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.
- (2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of the Kimball Municipal Code; or at the time of an accident for which notice is required under T.C.A. §55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under T.C.A. §55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.
- (3) For the purposes of this section, “financial responsibility” means:
  - (a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been issued;

(b) A certificate, valid for one(1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in *Tennessee Code Annotated*, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under *Tennessee Code Annotated* §55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

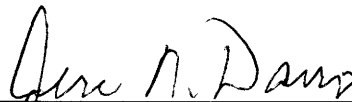
SECTION 2: Civil Offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this ordinance. Any violation of this ordinance is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this ordinance shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

SECTION 3: Evidence of Compliance after Violation. On or before the court date, the person charged with a violation of this ordinance may submit evidence of compliance with this ordinance in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed.

SECTION 4: Severability. Each section, subsection, paragraph, sentence and clause in this Ordinance is declared to be severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other provision of the Ordinance.

**THEREFORE, BE IT FURTHER ORDAINED**, that this ordinance shall become affective upon second and final reading, the public welfare requirement.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2nd and final reading on the 4TH day of APRIL, 2002.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

Tonia Moss  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

Kevin L. Featherston  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading	<u>MARCH</u>	<u>7</u> , 2002.
Public hearing	<u>APRIL</u>	<u>4</u> , 2002.
Passed on second reading	<u>APRIL</u>	<u>4</u> , 2002.

## **ORDINANCE NO. 146**

### **AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO AMEND TITLE 14, CHAPTER 9 OF THE KIMBALL MUNICIPAL CODE REGARDING INCREASING THE MAXIMUM HEIGHT OF SIGNS IN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 75 and its subsequent Amendments, the Town of Kimball, Tennessee adopted various zoning ordinances which contain regulations regarding the construction and contents of signs within the municipal limits of the Town of Kimball, Tennessee; and

**WHEREAS**, the Town of Kimball, Tennessee has subsequently adopted the Kimball Municipal Code as a codification of all its previous Ordinances; and

**WHEREAS**, Title 14, Chapter 9 of the Kimball Municipal Code contains a provision that the maximum height allowed for signs shall be no higher than sixty (60) feet from the finish grade; and

**WHEREAS**, the Mayor and Aldermen of the Town of Kimball have determined that due to the topography of the Town and the Town's desire to attract businesses that rely on interstate traffic, the maximum height for signs should be increased from sixty (60) feet to one hundred (100) feet from the finished grade.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Kimball Municipal Code shall be amended by making the following modifications:

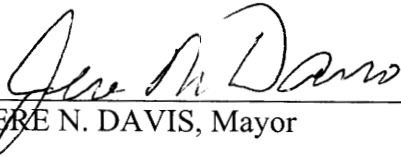
SECTION 1. Title 14, Chapter 9, Section 14-902(2)(b)(iii) shall be deleted in its entirety and replaced with the following:

Are not higher than one hundred (100) feet from the finished grade except as provided in Section 14-902(4)(f);

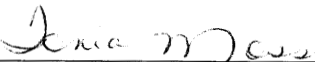
SECTION 2. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**THEREFORE, BE IT FURTHER ORDAINED**, that this Ordinance shall take effect and be in force from and after the second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2nd and final reading on the 6<sup>th</sup> day of June, 2002.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading	<u>May 2</u>	<u>2</u> , 2002.
Public hearing	<u>June</u>	<u>6</u> , 2002.
Passed on second reading	<u>June</u>	<u>6</u> , 2002.

**ORDINANCE NO. 147**

**AN ORDINANCE TO AMEND ORDINANCE 141 CONCERNING THE BUDGET FOR THE YEAR 2001-2002 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 29<sup>th</sup> day of June, 2001, as set forth an Ordinance 141, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2001-2002, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendment to the budget set forth in Exhibit "A" attached hereto.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:


**Section 1:** That Ordinance 141 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 141, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2001-2002.

**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 27<sup>th</sup> day of June, 2002.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:  
  
\_\_\_\_\_  
Tonia Moss, Recorder

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Kevin L. Featherston, Attorney

Passed on First Reading June 6, 2002.

Passed on Second Reading June 27, 2002.



## BUDGET AMENDMENTS FOR 2001-2002

		<u>BUDGETED</u> <u>AMOUNT</u>	<u>AMENDED</u> <u>AMOUNT</u>	<u>TOTAL BUDGETED</u> <u>WITH</u> <u>AMENDMENTS</u> <u>INCLUDED</u>
<b>INCREASE REVENUES FOR GENERAL FUND:</b>				
31920	ROOM OCCUPANCY TAX	\$105,000.00	<b>\$2,000.00</b>	\$107,000.00
36100	INTEREST	\$10,000.00	<b>\$5,000.00</b>	\$15,000.00
36330	SALE OF EQUIPMENT	\$0.00	<b>\$7,147.92</b>	\$7,147.92
		<b>TOTAL \$14,147.92</b>		
 <b>INCREASE EXPENDITURES FOR GENERAL FUND:</b>				
41510	130 VACATION/BONUS/JUNE PAY-RECORDER/CLERK	\$2,350.00	<b>\$450.00</b>	\$2,800.00
41990	143 RETIREMENT-GENERAL FUND	\$13,570.92	<b>\$13.50</b>	\$13,584.42
41990	149 OTHER EMPLOYER CONTRIBUTIONS - OTHER GENERAL	\$37,405.75	<b>\$34.42</b>	\$37,440.17
41990	236 PUBLIC RELATIONS - OTHER GENERAL	\$8,500.00	<b>\$3,650.00</b>	\$12,150.00
	WHITWELL MIDDLE SCHOOL	\$500.00		
	JASPER PARKS & RECREATION	\$5,600.00		
	ST. JUDE	\$500.00		
	SOUTH PITTSBURG LIONS CLUB	\$500.00		
	SOUTH PITTSBURG HISTORICAL SOCIETY	\$5,000.00		
41990	937 PARKS & RECREATION - OTHER GENERAL (SOUTH PITTSBURG PARKS AND RECREATION)	\$0.00	<b>\$2,100.00</b>	\$2,100.00 \$0.00
43200	261 REPAIR AND MAINTENANCE VEHICLES - SANITATION DEPT	\$2,500.00	<b>\$1,900.00</b>	\$4,400.00
43200	295 LANDFILL SERVICES - SANITATION DEPT	\$19,500.00	<b>\$6,000.00</b>	\$25,500.00
		<b>TOTAL \$14,147.92</b>		

**ORDINANCE NO. 148**

**AN ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2002-2003**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2002-2003.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2002-2003.

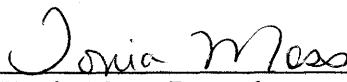
**SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 2002, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 27<sup>th</sup> day of June, 2002.

  
\_\_\_\_\_  
JERE N. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston, Attorney

Passed on First Reading June 6, 2002.

Passed on Second Reading June 27, 2002.

ACCOUNT NUMBER	ACCOUNT NAME	CPA #'S 1999-2000	CPA #'S 2000-2001	Budgeted & Amended 2001-2002	Estimated 2001-2002	Budgeted 2002-2003
31110	Real and Personal Property Tax	\$33,791.69	\$32,450.90	\$33,000.00	\$34,658.00	\$34,300.00
31211	Property Tax Delinquent 1st Year	\$0.00	\$416.28	\$600.00	\$671.00	\$600.00
31219	Property Tax Delinquent Other Prior Years	\$140.75	\$105.31	\$200.00	\$315.00	\$300.00
31320	Interest and Penalty on Property Taxes	\$950.27	\$92.51	\$150.00	\$259.00	\$250.00
31610	Local Sales Tax - Co. Trustee	\$1,012,977.05	\$1,027,253.00	\$915,000.00	\$1,062,000.00	\$925,000.00
31710	Wholesale Beer Tax	\$74,696.94	\$74,418.00	\$72,000.00	\$81,000.00	\$72,000.00
31820	Gross Receipt Tax	\$87,030.20	\$95,626.00	\$86,500.00	\$78,515.00	\$87,000.00
31912	Cable TV Franchise Tax	\$2,726.88	\$5,664.00	\$2,800.00	\$3,505.00	\$3,500.00
31920	Room Occupancy Tax	\$117,619.21	\$114,761.00	\$107,000.00	\$119,957.00	\$113,000.00
	<b>SUB TOTAL - LOCAL TAXES</b>	<b>\$1,329,932.99</b>	<b>\$1,350,787.00</b>	<b>\$1,217,250.00</b>	<b>\$1,380,880.00</b>	<b>\$1,235,950.00</b>
32210	Beer Licenses	\$2,400.00	\$1,839.00	\$1,600.00	\$1,600.00	\$1,600.00
32610	Building Permits	\$13,497.65	\$9,905.00	\$9,000.00	\$9,718.00	\$9,000.00
32611	Ambulance Rent	\$3,000.00	\$2,751.00	\$3,000.00	\$3,000.00	\$3,000.00
32612	911 Rent	\$9,817.32	\$9,816.00	\$9,816.00	\$9,816.00	\$9,816.00
32710	Sign Permits	\$3,638.58	\$0.00	\$1,600.00	\$386.00	\$1,000.00
	<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>	<b>\$32,353.55</b>	<b>\$24,311.00</b>	<b>\$25,016.00</b>	<b>\$24,520.00</b>	<b>\$24,416.00</b>
33110	Community Block Grant - Water Tank	\$0.00	\$0.00	\$0.00	\$0.00	\$287,100.00
33400	State Grants - Interstate Lights & Fire Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$175,700.00
33501	Telecommunications	\$0.00	\$0.00	\$150.00	\$203.00	\$160.00
33320	TVA Payments in Lieu of Taxes	\$8,282.82	\$8,330.00	\$6,700.00	\$6,596.00	\$6,700.00
33510	State Sales Tax	\$76,543.53	\$78,012.00	\$72,000.00	\$77,500.00	\$72,000.00
33520	State Income Tax	\$2,765.05	\$2,316.00	\$2,200.00	\$2,328.00	\$2,200.00
33530	State Beer Tax	\$651.67	\$675.00	\$630.00	\$641.00	\$630.00
33552	State-City Streets and Transport	\$3,058.43	\$2,991.00	\$3,000.00	\$3,024.00	\$3,000.00
33559	State-Police-Supplement Pay	\$4,200.00	\$3,600.00	\$4,200.00	\$3,920.00	\$3,780.00
	<b>SUB TOTAL - STATE TAXES</b>	<b>\$95,501.50</b>	<b>\$95,924.00</b>	<b>\$88,880.00</b>	<b>\$94,212.00</b>	<b>\$551,270.00</b>
34121	Clerks' Fees - Business Tax	\$635.00	\$500.00	\$575.00	\$510.00	\$575.00
34240	Accident Report Charges	\$614.00	\$600.00	\$850.00	\$808.00	\$800.00
34400	Sanitation - Charges for Service	\$8,560.00	\$10,160.00	\$9,600.00	\$8,280.00	\$9,600.00
	<b>SUB TOTAL - FEES</b>	<b>\$9,809.00</b>	<b>\$11,260.00</b>	<b>\$11,025.00</b>	<b>\$9,598.00</b>	<b>\$10,975.00</b>
35110	City Court Fines and Costs	\$28,753.15	\$24,318.00	\$28,000.00	\$16,061.00	\$25,000.00
36100	Interest Earnings	\$24,384.84	\$38,472.00	\$15,000.00	\$19,292.00	\$12,000.00
36220	Lease of Property - Powertel & Signal One	\$8,550.00	\$5,550.00	\$6,000.00	\$6,000.00	\$6,000.00
36330	Sale of Equipment - Police Cars & land CHIPPER	\$11,052.00	\$0.00	\$7,147.92	\$7,779.00	\$0.00
36512	Sale of Gasoline	\$1,827.54	\$0.00	\$500.00	\$64.00	\$0.00
36710	Contributions and Donations - Fire Dept	\$1,325.00	\$0.00	\$500.00	\$0.00	\$500.00
36990	Miscellaneous(INCLUDING GRANT REFUND)	\$5,489.11	\$6,143.00	\$5,000.00	\$29,697.00	\$5,000.00
36930	Sale of Notes	\$107,500.00	\$0.00	\$0.00	\$0.00	\$32,000.00
	<b>SUB TOTAL - OTHER REVENUES</b>	<b>\$188,881.64</b>	<b>\$74,483.00</b>	<b>\$62,147.92</b>	<b>\$78,893.00</b>	<b>\$80,500.00</b>
	<b>Total Revenues</b>	<b>\$1,658,478.68</b>	<b>\$1,556,765.00</b>	<b>\$1,404,318.92</b>	<b>\$1,588,103.00</b>	<b>\$1,903,111.00</b>
	Fund Balance	-\$109,504.31	\$133,495.00	\$0.00	-\$241,705.00	\$126,831.95
	<b>T</b>	<b>\$1,548,974.37</b>	<b>\$1,690,260.00</b>	<b>\$1,404,318.92</b>	<b>\$1,346,398.00</b>	<b>\$2,029,942.95</b>

## EXPENDITURES

	CPA #'S 1999- 2000	CPA #'S 2000- 2001	Budgeted & Amended 2001- 2002	Estimated 2001-2002	Budgeted 2002-2003
121 Wages – Mayor	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$17,400.00
130 BONUS PAY	\$0.00	\$0.00	\$0.00	\$0.00	\$325.00
41510 City Recorder Wages	\$25,975.63	\$29,458.00	\$30,931.00	\$30,931.00	\$33,500.00
121 City Clerk Wages	\$21,226.00	\$22,763.00	\$23,901.00	\$23,901.00	\$26,000.00
130 Vacation/Bonus Pay	\$0.00	\$306.00	\$2,800.00	\$2,800.00	\$2,500.00
41650 Board/Administration Wages	\$19,200.00	\$19,600.00	\$19,200.00	\$19,200.00	\$25,000.00
<b>SUBTOTAL WAGES, BOARD, RECORDER, CLERK</b>	<b>\$81,401.63</b>	<b>\$87,127.00</b>	<b>\$91,832.00</b>	<b>\$91,832.00</b>	<b>\$104,725.00</b>
41810 City Hall Building					
241 Electric	\$8,855.89	\$8,569.00	\$15,000.00	\$16,438.00	\$17,000.00
242 Water	\$741.48	\$479.00	\$1,140.00	\$588.00	\$1,000.00
244 Gas	\$2,875.52	\$5,587.00	\$9,000.00	\$7,985.00	\$9,500.00
245 Telephone and Telegraph	\$7,358.87	\$7,700.00	\$8,000.00	\$8,738.00	\$9,000.00
260 Repair and Maint service	\$322.03	\$0.00	\$0.00	\$0.00	\$0.00
265 Repair and Maintenance Grounds	\$16,545.33	\$4,169.00	\$10,500.00	\$8,500.00	\$10,500.00
321 Agriculture & Horticultures	\$0.00	\$0.00	\$300.00	\$200.00	\$300.00
920 Building improvements	\$0.00	\$0.00	\$0.00	\$0.00	\$30,000.00
<b>SUBTOTAL – CITY HALL BUILDING</b>	<b>\$36,499.12</b>	<b>\$26,504.00</b>	<b>\$43,940.00</b>	<b>\$42,449.00</b>	<b>\$77,300.00</b>
41990 Other General Government Expenses	1999-2000	2000-2001	2001-2002	EST 2001-2002	2002-2003
142 Hospital and Health Insurance	\$74,111.08	\$89,822.00	\$84,540.00	\$85,780.00	\$92,500.00
143 Retirement – Current	\$21,634.24	\$9,427.00	\$13,584.42	\$10,284.00	\$15,115.14
149 Other Employer Contributions	\$29,193.34	\$37,292.00	\$37,440.17	\$37,406.00	\$41,970.81
166 Judge	\$0.00	\$0.00	\$4,800.00	\$4,400.00	\$4,800.00
167 Building Inspector	\$0.00	\$0.00	\$7,200.00	\$7,200.00	\$7,200.00
190 Other Personal Services - Flowers	\$177.95	\$343.00	\$500.00	\$200.00	\$500.00
211 Postage, Box Rent, Ect.	\$0.00	\$1,160.00	\$2,000.00	\$250.00	\$2,500.00
213 Automotive License and Title	\$0.00	\$15.00	\$0.00	\$15.00	\$0.00
219 Other Communication and Transportation	\$428.71	\$0.00	\$100.00	\$24.00	\$0.00
220 Printing, Duplicate, Ect.	\$0.00	\$0.00	\$500.00	\$795.00	\$900.00
231 Publication of Formal and Legal Notices	\$3,903.24	\$3,900.00	\$3,828.33	\$4,163.00	\$4,500.00
235 Memberships, Registration Fees, and Tuition	\$6,289.71	\$6,602.00	\$6,800.00	\$7,079.00	\$7,500.00
236 Public Relations	\$4,000.00	\$6,750.00	\$12,150.00	\$12,150.00	\$8,500.00
St. Jude - \$500		Shriners - \$500			
Lions Club - \$500		Family & Children \$1000			
239 Other Publicity	\$2,503.94	\$1,028.00	\$2,000.00	\$628.00	\$1,000.00
245 Telephone and Telegraph – Cell Phones	\$2,197.62	\$976.00	\$700.00	\$744.00	\$800.00

246 Fire Hydrant Rental	\$11,872.30	\$13,389.00	\$14,000.00	\$13,200.00	\$14,000.00
249 Other Utility Services – Pest Control	\$680.00	\$480.00	\$780.00	\$780.00	\$780.00
252 Legal Services	\$23,322.70	\$33,017.00	\$26,200.00	\$23,085.00	\$26,200.00
253 Accounting and Auditing Services	\$28,425.37	\$8,080.00	\$8,600.00	\$10,478.00	\$10,500.00
255 Data Processing Services – Computer	\$10,437.00	\$6,346.00	\$9,000.00	\$8,169.00	\$9,500.00
257 Tennessee State Planning Office Services	\$4,000.00	\$3,530.00	\$4,000.00	\$4,000.00	\$4,000.00
259 Other Prof Services (Janitorial, Survey, Engineer)	\$30,048.11	\$34,057.00	\$8,000.00	\$17,100.00	\$10,000.00
261 Repair and Maint Motor Vehicles	-\$123.88	\$0.00	\$0.00	\$0.00	\$0.00
263 Repair and Maintenance Furniture, Office Ma	\$106.90	\$0.00	\$0.00	\$0.00	\$0.00
269 Repair and Maintenance Other Repair and Ma	\$725.82	\$0.00	\$1,500.00	\$355.00	\$1,500.00
283 Out of Town Expense	\$1,534.24	\$1,030.00	\$2,000.00	\$2,500.00	\$2,500.00
290 Other Contractual Services (Dispatchers)	\$140,668.66	\$145,923.00	\$156,000.00	\$151,300.00	\$159,000.00
310 Office Supplies and Materials	\$3,959.43	\$6,041.00	\$5,000.00	\$5,000.00	\$12,000.00
313 FLAGS	\$0.00	\$0.00	\$0.00	\$1,801.00	\$2,500.00
322 Chemical, Lab, Medical	\$0.00	\$0.00	\$0.00	\$100.00	\$200.00
323 Food - Christmas Dinner/Hams/Turkeys	\$675.65	\$2,568.00	\$2,500.00	\$3,212.00	\$3,300.00
324 Household and Janitorial Supplies	\$1,596.93	\$1,526.00	\$2,000.00	\$2,000.00	\$2,300.00
326 Clothing and Uniforms	\$350.75	\$0.00	\$0.00	\$0.00	\$0.00
329 Other Operating Supplies	\$980.47	\$0.00	\$2,500.00	\$800.00	\$2,000.00
331 Gas, Oil, Diesel Fuel, Grease, Ect.	\$15,460.61	\$15,904.00	\$21,000.00	\$17,000.00	\$24,000.00
511 Insurance on Buildings	\$6,018.72	\$17,639.00	\$20,000.00	\$19,500.00	\$22,000.00
514 Surety bonds	\$887.50	\$1,126.00	\$2,500.00	\$1,126.00	\$2,500.00
515 Workers Compensation Ins.	\$11,660.10	\$19,758.00	\$25,500.00	\$24,704.00	\$25,500.00
520 Property Ins.	\$925.00	\$4,727.00	\$5,000.00	\$5,000.00	\$5,500.00
522 Vehicle Ins.	\$12,171.97	\$12,206.00	\$14,000.00	\$14,000.00	\$14,500.00
555 Bank Charges - overdrawn, checks, deposit slips	\$16.46	\$0.00	\$100.00	\$100.00	\$100.00
569 Litigation Tax	\$1,764.37	\$0.00	\$2,000.00	\$800.00	\$2,000.00
594 Retirement - Administrative cost	\$2,157.72	\$323.00	\$1,300.00	\$2,924.00	\$2,200.00
596 Penalties for late filing	\$1,764.37	\$0.00	\$0.00	\$0.00	\$0.00
621 Debt Service Principle (Lease Police Car Payments & 911)	\$37,595.12	\$37,566.00	\$39,869.00	\$39,869.00	\$12,664.00
630 Interest (lease car & 911)	\$0.00	\$9,846.00	\$7,543.00	\$7,544.00	\$7,750.00
770 Grants - Water tank and Interstate Lights	\$0.00	\$0.00	\$0.00	\$0.00	\$505,000.00
910 Land	\$262,653.00	\$0.00	\$0.00	\$0.00	\$0.00
920 911 Payment	\$8,999.21	\$0.00	\$0.00	\$0.00	\$0.00
930 Improvements (Christmas)	\$0.00	\$4,331.00	\$55,000.00	\$81,100.00	\$18,500.00
934 Water line improvements (Water Tank)	\$73,300.00	\$31,640.00	\$43,900.00	\$13,162.00	\$0.00
937 PARKS AND RECREATION	\$0.00	\$0.00	\$2,100.00	\$2,100.00	\$12,000.00
<b>Subtotal - Other General Expenses</b>	<b>\$839,074.43</b>	<b>\$568,368.00</b>	<b>\$658,034.92</b>	<b>\$643,927.00</b>	<b>\$1,102,279.95</b>

	1999-2000	2000-2001	2001-2002	2002-2003
<b>42100 Police</b>				
121 Chief - Wages	\$38,245.56	\$39,133.00	\$41,089.00	\$41,089.00
121 Patrolmen - Wages	\$190,114.78	\$198,657.00	\$202,386.00	\$228,096.00
130 Vacation/Bonus/Holiday/Supplement	\$0.00	\$0.00	\$18,253.00	\$11,117.00
219 Other Communication and Transportation	\$1,365.24	\$440.00	\$480.00	\$244.00
220 Printing, Duplicating, Ect.	\$0.00	\$0.00	\$500.00	\$770.00
235 Memberships, Registration Fees and Tuition	\$550.00	\$580.00	\$1,000.00	\$310.00
245 Telephone - Cell phone	\$1,389.51	\$1,546.00	\$1,800.00	\$2,600.00
259 Other Professional Service	\$325.00	\$0.00	\$500.00	\$0.00
261 Repair and Maintenance Motor Vehicle	\$3,593.53	\$3,310.00	\$5,500.00	\$2,000.00
262 Repair & Maint. Other Machinery	\$936.83	\$745.00	\$1,000.00	\$0.00
283 Out of Town Expense	\$1,261.90	\$2,371.00	\$2,500.00	\$2,000.00
290 Other Contractual Services	\$1,781.00	\$140.00	\$500.00	\$129.00
310 Office Supplies and Materials	\$2,023.03	\$1,556.00	\$2,000.00	\$950.00
320 Operating Supplies	\$11,358.23	\$4,040.00	\$18,000.00	\$2,500.00
322 Chemical, Lab, Medical	\$1,229.94	\$108.00	\$1,000.00	\$425.00
323 Food	\$0.00	\$96.00	\$1,000.00	\$140.00
326 Clothing and Uniforms	\$3,920.60	\$3,151.00	\$4,500.00	\$5,500.00
327 Fire Arms Supplies	\$574.79	\$0.00	\$400.00	\$188.00
329 Other Operating Supplies	\$2,478.36	\$180.00	\$3,000.00	\$3,000.00
331 Gas, Oil, Diesel fuel, Grease	\$763.99	\$824.00	\$1,500.00	\$730.00
332 Motor Vehicle Parts	\$76.59	\$29.00	\$500.00	\$900.00
334 Tires, Tubes and Ect	\$1,018.00	\$2,337.00	\$4,200.00	\$3,600.00
940 Cars - Lease payment from Gen. Fund to Auditors	\$107,500.00	\$0.00	\$0.00	\$0.00
<b>SUB TOTAL - POLICE</b>	<b>\$370,506.88</b>	<b>\$259,243.00</b>	<b>\$311,608.00</b>	<b>\$306,288.00</b>
<b>42200 Fire Protection and Control</b>				
121 Chief - Wages	\$1,800.00	\$2,400.00	\$2,400.00	\$2,400.00
162 Firemen - Wages	\$1,390.00	\$0.00	\$1,900.00	\$1,500.00
190 Other Personal Services - Flowers	\$40.00	\$45.00	\$200.00	\$75.00
212 Freight, Express,	\$0.00	\$0.00	\$100.00	\$0.00
235 Memberships, Registration Fees and Tuition	\$210.00	\$266.00	\$300.00	\$430.00
236 Public Relation Misc	\$685.00	\$100.00	\$500.00	\$0.00
260 Repair and Maintenance Services	\$2,231.14	\$116.00	\$3,000.00	\$1,500.00
261 Repair and Maintenance Vehicles	\$1,735.06	\$177.00	\$5,000.00	\$1,500.00
283 Out of Town Expense	\$199.85	\$304.00	\$500.00	\$230.00
287 Meals and Entertainment	\$1,041.29	\$965.00	\$1,500.00	\$1,426.00
319 Other Office Supplies	\$0.00	\$54.00	\$0.00	\$0.00
320 Operating Supplies	\$2,804.11	\$1,167.00	\$3,000.00	\$1,500.00

	1999-2000	2000-2001	2001-2002	2002-2003
326 Clothing and Uniforms	\$4,840.48	\$1,689.00	\$3,500.00	\$5,000.00
331 Oil changes	\$0.00	\$0.00	\$200.00	\$500.00
332 Motor Vehicle Parts	\$0.00	\$0.00	\$200.00	\$1,000.00
511 General Liability Ins.	\$1,516.00	\$1,638.00	\$1,800.00	\$2,000.00
770 Grant - FEMA fire grant	\$0.00	\$0.00	\$0.00	\$98,000.00
920 Building	\$0.00	\$555,046.00	\$30,000.00	\$0.00
<b>SUB TOTAL - FIRE DEPARTMENT</b>	<b>\$19,492.93</b>	<b>\$563,967.00</b>	<b>\$54,100.00</b>	<b>\$126,600.00</b>
<b>42300 Animal Control</b>				
240 Utilities	\$150.00	\$386.00	\$600.00	\$600.00
259 Other Professional Service - Vet	\$59.01	\$0.00	\$100.00	\$100.00
260 Repair and Maint	\$775.00	\$0.00	\$500.00	\$500.00
320 Operating Supplies	\$0.00	\$0.00	\$0.00	\$300.00
530 Rent	\$300.00	\$1,200.00	\$1,200.00	\$1,200.00
<b>SUB TOTAL - Animal Control</b>	<b>\$1,284.01</b>	<b>\$1,586.00</b>	<b>\$2,400.00</b>	<b>\$2,700.00</b>
<b>42620 Rescue Squad</b>				
235 Memberships, Registration Fees	\$85.00	\$50.00	\$100.00	\$500.00
260 Repair and Maint Services	\$273.47	\$166.00	\$100.00	\$0.00
261 Repair and Maint Service Vehicles	\$0.00	\$0.00	\$2,000.00	\$2,000.00
310 Office Supplies and Materials	\$65.00	\$32.00	\$100.00	\$100.00
320 Operating Supplies	\$6,653.79	\$53.00	\$5,000.00	\$5,000.00
331 Oil changes	\$0.00	\$0.00	\$100.00	\$100.00
<b>SUB TOTAL - RESCUE SQUAD</b>	<b>\$7,077.26</b>	<b>\$301.00</b>	<b>\$7,400.00</b>	<b>\$7,700.00</b>
<b>43100 Highways and Streets</b>				
121 Supervisor - Wages	\$15,586.00	\$14,025.00	\$14,726.00	\$15,400.00
121 Crew - Wages	\$36,465.23	\$53,792.00	\$57,228.00	\$59,228.00
130 Vacation/Bonus	\$0.00	\$0.00	\$2,139.00	\$2,139.00
236 Public Relation	\$0.00	\$0.00	\$0.00	\$500.00
261 Repair and Maintenance Motor Vehicle	-\$465.80	\$2,149.00	\$2,000.00	\$4,000.00
262 repair and Maintenance other machinery	\$522.18	\$134.00	\$250.00	\$1,000.00
320 Operating Supplies(Air compressor,watercooler,trailer)	\$772.74	\$3,206.00	\$2,800.00	\$8,500.00
322 Chemical, Laboratory	\$0.00	\$120.00	\$0.00	\$400.00
326 Clothing and Uniforms (Gloves,boots,safety glasses coveralls)	\$0.00	\$996.00	\$1,000.00	\$2,328.00
331 Gas, Oil, Diesel Fuel, Grease	\$22.74	\$394.00	\$700.00	\$700.00
332 Motor Vehicle Parts	\$0.00	\$0.00	\$250.00	\$2,000.00
334 Tires, Tubes & Ect	\$135.76	\$1,545.00	\$3,200.00	\$3,200.00
450 Raw Materials	\$0.00	\$290.00	\$2,500.00	\$2,500.00
931 Road Materials and Repairs	\$0.00	\$0.00	\$20,000.00	\$20,000.00
932 Damage Improvements	\$0.00	\$25,859.00	\$0.00	\$0.00

	1999-2000	2000-2001	2001-2002	2002-2003
940 Tractor	\$9,000.00	\$5,587.00	\$30,000.00	\$42,696.00
<b>SUB TOTAL - HIGHWAY AND STREET</b>	<b>\$62,338.85</b>	<b>\$108,097.00</b>	<b>\$136,793.00</b>	<b>\$121,767.00</b>
<b>SANITATION DEPT.</b>				
121 Supervisor - Wages	\$10,771.00	\$11,475.00	\$12,048.00	\$12,048.00
121 Crew - Wages	\$28,568.13	\$38,835.00	\$45,528.00	\$45,628.00
130 Vacation/Bonus	\$0.00	\$0.00	\$1,785.00	\$1,785.00
219 Other Communication - pager	\$149.79	\$0.00	\$100.00	\$24.00
261 Repair and Maintenance Motor Vehicle	\$2,455.84	\$925.00	\$4,400.00	\$4,390.00
295 Landfill Services	\$18,967.25	\$18,441.00	\$25,500.00	\$25,285.00
320 Operating Supplies	\$1,216.00	\$963.00	\$2,000.00	\$0.00
326 Clothing and Uniforms	\$1,875.26	\$2,342.00	\$3,350.00	\$2,552.00
331 Gas, Oil, Diesel, Grease	\$22.74	\$206.00	\$500.00	\$445.00
332 Motor Vehicle Parts	\$223.25	\$194.00	\$500.00	\$976.00
334 Tires, Tubes and Ect.	\$50.00	\$1,686.00	\$2,500.00	\$2,129.00
<b>SUB TOTAL- SANITATION</b>	<b>\$64,299.26</b>	<b>\$75,067.00</b>	<b>\$98,211.00</b>	<b>\$95,262.00</b>
Transfer from General to Sewer	\$10,000.00	\$0.00	\$0.00	
Transfer from General to Street	\$55,000.00	\$0.00	\$0.00	
<b>Total Expenditures</b>	<b>\$1,546,974.37</b>	<b>\$1,690,260.00</b>	<b>\$1,404,318.92</b>	<b>\$1,346,398.00</b>
				<b>\$2,029,942.95</b>



<b>REVENUE - Sewer Fund</b>		CPA 1999-2000	BUD. 2000-2001	BUD. 2001-2002	Est. 2001-2002	Bud. 2002-2003
37210	Sewer Services Charges	\$31,654.08	\$35,591.00	\$36,000.00	\$34,937.00	\$36,000.00
36100	Interest Earnings	\$542.12	\$890.00	\$700.00	\$650.00	\$700.00
36961	Transferred from General Fund	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00
37296	Sewer Tap Fees	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00	\$1,000.00
37299	Grease Trap Fees	\$10,800.00	\$6,900.00	\$6,600.00	\$6,600.00	\$6,900.00
37990	Other Non-Operating Revenues	\$0.00	\$1,000.00	\$0.00	\$1,453.00	\$0.00
	<b>Total Revenues</b>	<b>\$53,996.20</b>	<b>\$45,381.00</b>	<b>\$44,300.00</b>	<b>\$43,640.00</b>	<b>\$44,600.00</b>

<b>EXPENDITURES - Sewer Fund</b>		CPA 1999-2000	BUD. 2000-2001	BUD. 2001-2002	Est. 2001-2002	Bud. 2002-2003
121	Salaries	\$0.00	\$253.00	\$434.00	\$216.00	\$400.00
235	Memberships, Registrations	\$0.00	\$0.00	\$0.00	\$285.00	\$400.00
241	Electric	\$2,579.39	\$3,906.00	\$4,200.00	\$3,468.00	\$4,000.00
260	Repairs	\$0.00	\$5,213.00	\$7,900.00	\$0.00	\$6,300.00
283	Out of town expense	\$0.00	\$0.00	\$0.00	\$625.00	\$400.00
290	Sewer Samples and Professional Service	\$2,607.50	\$1,560.00	\$650.00	\$500.00	\$600.00
340	Other Repairs & Maints	\$0.00	\$0.00	\$0.00	\$1,132.00	\$0.00
540	Depreciation	\$20,900.87	\$21,419.00	\$21,500.00	\$21,500.00	\$23,000.00
630	Interest Expense	\$10,424.06	\$9,519.00	\$9,066.00	\$9,066.00	\$8,778.00
693	Bond Amortization Expense	\$170.20	\$170.00	\$0.00	\$171.00	\$172.00
555	Bank Service Charge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
565	Permit Fee	\$269.35	\$0.00	\$250.00	\$0.00	\$250.00
340	Other Repairs & Maints	\$991.65	\$610.00	\$300.00	\$0.00	\$300.00
	<b>Total Expenditures</b>	<b>\$37,843.02</b>	<b>\$42,650.00</b>	<b>\$44,300.00</b>	<b>\$36,963.00</b>	<b>\$44,600.00</b>

Account #	Revenue - State Street Aid	CPA 1999-2000	BUD. 2000-2001	BUD. 2001-2002	Est. 2001-2002	Bud. 2002-2003
33551	State Gas Tax	\$35,299.99	\$34,759.00	\$34,000.00	\$36,665.00	\$34,000.00
36100	Interest	\$716.41	\$683.00	\$450.00	\$466.00	\$450.00
36961	Transferred General Fund	\$55,000.00	\$0.00	\$0.00	\$0.00	\$0.00
37990	Misc	\$0.00	\$218.00	\$0.00	\$0.00	\$0.00
	<b>Total Revenues</b>	<b>\$91,016.40</b>	<b>\$35,660.00</b>	<b>\$34,450.00</b>	<b>\$37,131.00</b>	<b>\$34,450.00</b>
	Reserves (fund Balance)	\$4,119.16	\$12,978.00	\$0.00	\$6,225.00	(\$20,000.00)

Account #	Expenditures - State Street Aid	CPA 1999-2000	BUD. 2000-2001	BUD. 2001-2002	Est. 2001-2002	Bud. 2002-2003
931	Road Materials and Repairs	\$22,278.95	\$1,208.00	\$9,680.00	\$9,680.00	\$27,550.00
247	Street Lights Electricity	\$19,517.27	\$19,119.00	\$20,000.00	\$19,500.00	\$23,000.00
248	Traffic Light Electricity	\$634.64	\$603.00	\$770.00	\$764.00	\$850.00
260	Repair & Maint Service	\$300.87	\$103.00	\$500.00	\$0.00	\$0.00
320	Operating Supplies	\$335.51	\$0.00	\$500.00	\$0.00	\$500.00
331	Gas, Oil, Diesel, Grease	\$148.52	\$0.00	\$0.00	\$0.00	\$0.00
333	Machinery & Equip. Parts	\$247.46	\$0.00	\$0.00	\$0.00	\$0.00
334	Tires, Tubes and Ect	\$327.02	\$0.00	\$0.00	\$0.00	\$0.00
342	Sign Parts and Supplies	\$166.01	\$1,019.00	\$1,000.00	\$962.00	\$1,050.00
343	Traffic Signal Supplies	\$652.21	\$0.00	\$500.00	\$0.00	\$0.00
450	Raw Materials	\$548.37	\$478.00	\$1,000.00	\$0.00	\$1,000.00
452	Gravel and Sand	\$0.00	\$152.00	\$500.00	\$0.00	\$500.00
555	Bank Service Charges	\$51.00	\$0.00	\$0.00	\$0.00	\$0.00
932	Bridges and Tunnels	\$41,689.41	\$0.00	\$0.00	\$0.00	\$0.00
	<b>Total Expenditures</b>	<b>\$68,897.24</b>	<b>\$22,682.00</b>	<b>\$34,450.00</b>	<b>\$30,006.00</b>	<b>\$54,100.00</b>

**KIMBALL POLICE DEPARTMENT  
DRUG FUND PROPOSED  
BUDGET FOR 2002-2003**

<b>BALANCE</b>	<b>\$11,807.00</b>
<b>20% SET ASIDE FOR FINGER PRINTING IMAGING SYSTEM</b>	<b>\$2,879.06</b>
<b>Total Available for Spending</b>	<b>\$8,927.94</b>

<b>REVENUE</b>	<b>\$1,500.00</b>
<b>20% SET ASIDE FOR FINGER PRINTING IMAGING SYSTEM</b>	<b>\$300.00</b>
<b>Total Available for Spending</b>	<b>\$1,200.00</b>

<b>Balance PLUS REVENUE MINUS FINGER PRINT SYSTEM</b>	<b>\$10,127.94</b>
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<b>EXPENSES</b>	
<b>OPERATING SUPPLIES</b>	<b>\$0.00</b>
<b>TOTAL EXPENSES</b>	<b>\$0.00</b>

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION I-1, INDUSTRIAL DISTRICT TO R-1, LOW DENSITY RESIDENTIAL DISTRICT**

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace the I-1, Industrial District with the R-1, Low Density Residential District, as indicated by the attached map dated March 2003 and further described in Section 2.

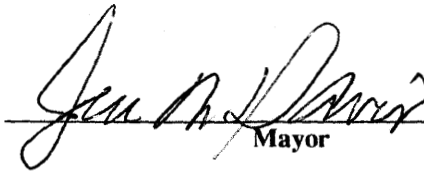
**Section 2** Beginning at a point, said point being the northwest corner of Parcel 67.04, Marion County Tax Map 132, dated 8/98, and being further described as lying in the southern edge of the right-of-way of the L & N Railroad; thence, in a generally southerly direction following the eastern property lines of Parcel 69 and being further described as following the western property lines of said Parcel 67.04, 67, 68.05, and 68.04 for a distance of approximately 3,100 feet to a point said point being the southwest corner of said Parcel 68.04; thence in a generally easterly direction, following the southern property lines of said Parcel 68.04 and Parcels 68.08, 68.06, 68.02, and 68.03, and following the Current Corporate Limits of Kimball, TN for a distance of approximately 1,600 feet to a point, said point being the southeastern corner of said Parcel 68.03 and being further described as lying in the Current Corporate Limits of Kimball, TN; thence in a generally northerly direction follow the eastern property lines of said Parcel 68.03, Parcel 67.05, 67.02, and 67.01 for a distance of approximately 3,050 feet to a point, said point being the northwestern most corner of said Parcel 67.01 and being further described as lying in the southern right-of-way of the L & N Railroad, thence, in a generally northerly direction projecting a straight line crossing the right-of-way of the L & N Railroad and Industrial Boulevard for a distance of approximately 190 feet to a point, said point lying in the northern right-of-way of Industrial Boulevard, and being further described as lying in the southern right-of-way of Interstate 24, thence in a generally westerly direction following the northern right-of-way of Industrial Boulevard and the southern right-of-way of Interstate 24 for a distance of approximately 1600 feet to a point, said point lying in the northern right-of-way of Industrial Boulevard and the southern right-of-way of Interstate 24, thence in a generally southerly direction projecting a straight line crossing the right-of-way of Industrial Boulevard and the right-of-way of the L & N Railroad for a distance of approximately 190 feet to the point of beginning.

**Section 3** The attached map, dated March 2003 further illustrates the area being zoned in Kimball, Tennessee.

**Section 4** **THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** MARCH 6, 2003

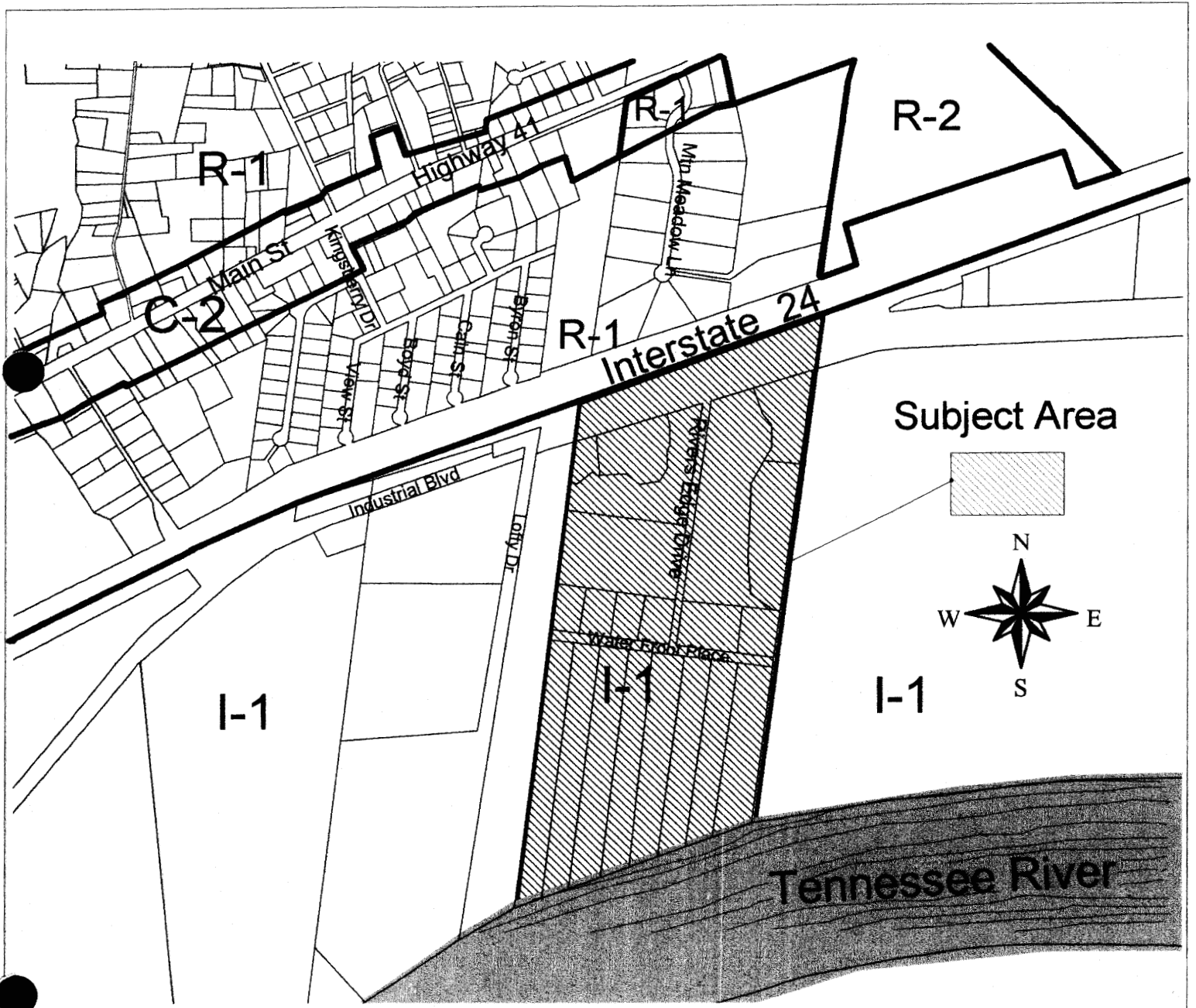
**SECOND READING:** APRIL 3, 2003

  
\_\_\_\_\_  
Mayor

**ATTEST** Jonia Moss  
City Recorder

# Kimball, Tennessee Proposed Rezoning from I-1 to R-1

March 2003



**ORDINANCE NO. 150**

**AN ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2003-2004**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2003-2004.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

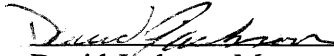
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2003-2004.

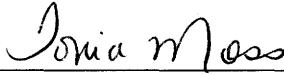
**SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 2003, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 3<sup>rd</sup> day of July, 2003.

  
\_\_\_\_\_  
David Jackson, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston, Attorney

Passed on First Reading June 24, 2003.

Passed on Second Reading July 3, 2003.

ACCOUNT NUMBER	ACCOUNT NAME	CPA# 2001-2002	Budgeted 2003	2002. ESTIMATED	BUDGETED 2003-2004
31110	Real and Personal Property Tax	\$34,634.00	\$34,300.00	\$36,327.00	\$35,500.00
31211	Property Tax Delinquent 1st Year	\$0.00	\$600.00	\$1,237.00	\$600.00
31219	Property Tax Delinquent Other Prior Years	\$321.00	\$300.00	\$264.00	\$250.00
31320	Interest and Penalty on Property Taxes	\$1,008.00	\$250.00	\$350.00	\$250.00
31610	Local Sales Tax – Co. Trustee	\$1,072,311.00	\$925,000.00	\$1,066,871.00	\$925,000.00
31710	Wholesale Beer Tax	\$87,968.00	\$72,000.00	\$85,885.00	\$80,000.00
31820	Gross Receipt Tax (BUSINESS LICENSE)	\$93,256.00	\$87,000.00	\$99,276.00	\$87,000.00
31912	Cable TV Franchise Tax	\$2,099.00	\$3,500.00	\$2,099.00	\$3,000.00
31920	Room Occupancy Tax	\$131,079.00	\$113,000.00	\$135,759.00	\$113,000.00
	<b>SUB TOTAL - LOCAL TAXES</b>	<b>\$1,422,676.00</b>	<b>\$1,235,950.00</b>	<b>\$1,428,068.00</b>	<b>\$1,244,600.00</b>
32210	Beer Licenses	\$1,600.00	\$1,600.00	\$1,350.00	\$1,600.00
32610	Building Permits	\$9,718.00	\$9,000.00	\$7,677.00	\$9,000.00
32611	Ambulance Rent	\$2,750.00	\$3,000.00	\$3,500.00	\$3,000.00
32612	911 Rent	\$9,817.00	\$9,816.00	\$9,817.00	\$9,816.00
32710	Sign Permits	\$650.00	\$1,000.00	\$319.00	\$600.00
	<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>	<b>\$24,535.00</b>	<b>\$24,416.00</b>	<b>\$22,663.00</b>	<b>\$24,016.00</b>
33110	Community Block Grant - Water Tank	\$0.00	\$287,100.00	\$209,902.00	\$0.00
33400	State Grants - Interstate Lights & Fire Grant	\$0.00	\$175,700.00	\$0.00	\$0.00
33501	Telecommunications	\$203.00	\$160.00	\$236.00	\$182.00
33320	TVA Payments in Lieu of Taxes	\$8,795.00	\$6,700.00	\$8,544.00	\$7,280.00
33510	State Sales Tax	\$78,825.00	\$72,000.00	\$78,774.00	\$65,520.00
33520	State Income Tax	\$710.00	\$2,200.00	\$722.00	\$910.00
33530	State Beer Tax	\$641.00	\$630.00	\$682.00	\$573.00
33552	State-City Streets and Transport	\$3,025.00	\$3,000.00	\$2,997.00	\$2,730.00
33559	State- Police-Supplement Pay	\$3,920.00	\$3,780.00	\$4,200.00	\$3,780.00
	<b>SUB TOTAL - STATE TAXES</b>	<b>\$96,119.00</b>	<b>\$551,270.00</b>	<b>\$306,057.00</b>	<b>\$80,975.00</b>
34121	Clerks' Fees – Business Tax	\$540.00	\$575.00	\$570.00	\$540.00
34240	Accident Report Charges	\$906.00	\$800.00	\$965.00	\$800.00
34400	Sanitation – Charges for Service	\$8,440.00	\$9,600.00	\$7,929.00	\$8,400.00
	<b>SUB TOTAL - FEES</b>	<b>\$9,886.00</b>	<b>\$10,975.00</b>	<b>\$9,464.00</b>	<b>\$9,740.00</b>
35110	City Court Fines and Costs	\$17,096.00	\$25,000.00	\$18,925.00	\$20,000.00
36100	Interest Earnings	\$20,521.00	\$12,000.00	\$21,082.00	\$16,000.00
36220	Lease of Property - Powertel & Signal One	\$6,000.00	\$6,000.00	\$6,450.00	\$6,000.00
36330	Sale of Equipment - Police Cars & land CHIPPER	\$7,779.00	\$0.00	\$1,931.00	\$0.00
36512	Sale of Gasoline	\$64.00	\$0.00	\$0.00	\$0.00
36710	Contributions and Donations - Fire Dept	\$0.00	\$500.00	\$750.00	\$0.00
36990	Miscellaneous	\$30,247.00	\$5,000.00	\$1,784.00	\$2,500.00
36930	Sale of Notes	\$0.00	\$32,000.00	\$0.00	\$0.00
	<b>SUB TOTAL - OTHER REVENUES</b>	<b>\$81,707.00</b>	<b>\$80,500.00</b>	<b>\$50,922.00</b>	<b>\$44,500.00</b>
	<b>Total Revenues</b>	<b>\$1,634,923.00</b>	<b>\$1,903,111.00</b>	<b>\$1,817,174.00</b>	<b>\$1,493,831.00</b>
	<b>Fund Balance (EXPENSES - REVENUES) - EXCESS</b>	<b>-\$364,036.00</b>	<b>\$126,831.95</b>	<b>-\$293,117.00</b>	<b>\$426,116.16</b>
	<b>Total</b>	<b>\$1,270,887.00</b>	<b>\$2,029,942.95</b>	<b>\$1,524,057.00</b>	<b>\$1,829,947.16</b>

**EXPENDITURES**

	CPA# 2001-2002	Budgeted 2002-2003	ESTIMATED	BUDGETED 2003-2004
121 Wages – Mayor	\$15,000.00	\$17,400.00	\$13,750.00	\$15,000.00
130 BONUS PAY	\$0.00	\$325.00	\$0.00	\$0.00
41510 City Recorder Wages	\$29,443.00	\$33,500.00	\$32,146.00	\$34,500.00
121 City Clerk Wages	\$26,064.00	\$26,000.00	\$26,825.00	\$27,000.00
134 Vacation/Bonus Pay	\$0.00	\$2,500.00	\$0.00	\$2,500.00
41650 Board/Administration Wages	\$19,200.00	\$25,000.00	\$20,050.00	\$19,200.00
<b>SUBTOTAL-WAGES,BOARD,RECORDER,CLERK</b>	<b>\$89,707.00</b>	<b>\$104,725.00</b>	<b>\$92,771.00</b>	<b>\$98,200.00</b>
41810 City Hall Building				
241 Electric	\$11,345.00	\$17,000.00	\$11,832.00	\$14,000.00
242 Water	\$540.00	\$1,000.00	\$988.00	\$850.00
244 Gas	\$5,624.00	\$9,500.00	\$7,311.00	\$8,500.00
245 Telephone and Telegraph	\$8,060.00	\$9,000.00	\$7,151.00	\$8,000.00
260 Repair and Maint service	\$0.00	\$0.00	\$0.00	\$0.00
265 Repair and Maintenance Grounds	\$8,561.00	\$10,500.00	\$3,561.00	\$5,000.00
321 Agriculture & Horticultures	\$152.00	\$300.00	\$278.00	\$300.00
920 Building improvements	\$0.00	\$30,000.00	\$1,565.00	\$200,000.00
<b>SUBTOTAL – CITY HALL BUILDING</b>	<b>\$34,282.00</b>	<b>\$77,300.00</b>	<b>\$32,686.00</b>	<b>\$236,650.00</b>
41990 Other General Government Expenses				
142 Hospital and Health Insurance	\$84,740.00	\$92,500.00	\$102,430.00	\$130,000.00
143 Retirement – Current	\$10,284.00	\$15,115.14	\$11,722.00	\$20,436.55
149 Other Employer Contributions	\$35,481.00	\$41,970.81	\$35,573.00	\$41,884.81
166 Judge	\$4,400.00	\$4,800.00	\$4,800.00	\$4,800.00
167 Building Inspector	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00
190 Other Personal Services - Flowers	\$155.00	\$500.00	\$505.00	\$500.00
211 Postage, Box Rent, Ect.	\$303.00	\$2,500.00	\$1,517.00	\$2,500.00
213 Automotive License and Title	\$15.00	\$0.00	\$15.00	\$15.00
219 Other Communication and Transportation	\$24.00	\$0.00	\$0.00	\$0.00
220 Printing, Duplicate, Ect.	\$922.00	\$900.00	\$1,373.00	\$2,000.00
231 Publication of Formal and Legal Notices	\$4,176.00	\$4,500.00	\$2,449.00	\$4,000.00
235 Memberships, Registration Fees, and Tuition	\$7,079.00	\$7,500.00	\$7,267.00	\$7,500.00
236 Public Relations MARION CO. FAIR \$800 CANCER \$800	\$12,150.00	\$8,500.00	\$3,820.00	\$5,000.00
St. Jude - \$800    Shriners - \$800				
Lions Club - \$800    Alzheimer's \$800				
239 Other Publicity	\$752.00	\$1,000.00	\$507.00	\$1,000.00
245 Telephone and Telegraph – Cell Phones	\$745.00	\$800.00	\$875.00	\$800.00
246 Fire Hydrant Rental	\$8,400.00	\$14,000.00	\$10,400.00	\$10,000.00



<b>249 Other Utility Services – Pest Control</b>	\$780.00	\$780.00	\$780.00	\$780.00
<b>252 Legal Services</b>	\$21,833.00	\$26,200.00	\$17,265.00	\$30,000.00
<b>253 Accounting and Auditing Services</b>	\$11,963.00	\$10,500.00	\$9,477.00	\$12,500.00
<b>255 Data Processing Services – Computer</b>	\$8,169.00	\$9,500.00	\$9,190.00	\$12,000.00
<b>257 Tennessee State Planning Office Services</b>	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
<b>259 Other Prof Services (Janitorial, Survey, Engineer)</b>	\$17,369.00	\$10,000.00	\$4,967.00	\$8,000.00
<b>261 Repair and Maint Motor Vehicles</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>263 Repair and Maintenance Furniture, Office Ma</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>269 Repair and Maintenance Other Repair and Ma</b>	\$354.00	\$1,500.00	\$28.00	\$1,000.00
<b>283 Out of Town Expense</b>	\$2,304.00	\$2,500.00	\$999.00	\$3,200.00
<b>290 Other Contractual Services (Dispatchers)</b>	\$151,082.00	\$159,000.00	\$165,249.00	\$170,000.00
<b>310 Office Supplies and Materials</b>	\$4,639.00	\$12,000.00	\$7,975.00	\$25,000.00
<b>313 FLAGS</b>	\$1,801.00	\$2,500.00	\$194.00	\$1,000.00
<b>322 Chemical, Lab, Medical</b>	\$100.00	\$200.00	\$90.00	\$200.00
<b>323 Food - Christmas Dinner/Hams/Turkeys</b>	\$3,212.00	\$3,300.00	\$1,468.00	\$3,300.00
<b>324 Household and Janitorial Supplies</b>	\$1,939.00	\$2,300.00	\$1,715.00	\$2,300.00
<b>326 Clothing and Uniforms</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>329 Other Operating Supplies</b>	\$783.00	\$2,000.00	\$1,057.00	\$2,000.00
<b>331 Gas, Oil, Diesel Fuel, Grease, Ect.</b>	\$12,244.00	\$24,000.00	\$16,219.00	\$24,000.00
<b>511 Insurance on Buildings</b>	\$19,497.00	\$22,000.00	\$26,050.00	\$27,000.00
<b>514 Surety bonds</b>	\$1,126.00	\$2,500.00	\$1,251.00	\$2,500.00
<b>515 Workers Compensation Ins.</b>	\$25,534.00	\$25,500.00	\$31,050.00	\$32,000.00
<b>520 Property Ins.</b>	\$5,000.00	\$5,500.00	\$0.00	\$5,500.00
<b>522 Vehicle Ins.</b>	\$14,000.00	\$14,500.00	\$14,388.00	\$15,000.00
<b>246 UNCLAIMED PROPERTY</b>	\$0.00	\$0.00	\$73.00	\$0.00
<b>555 Bank Charges - overdrawn, checks, deposit slips</b>	\$65.00	\$100.00	\$71.00	\$100.00
<b>569 Litigation Tax</b>	\$649.00	\$2,000.00	\$784.00	\$2,000.00
<b>594 Retirement - Administrative cost</b>	\$2,923.00	\$2,200.00	\$1,885.00	\$3,000.00
<b>596 Penalties for late filing</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>621 Debt Service Principle (Lease Police Car Payments &amp; 911)</b>	\$39,869.00	\$12,664.00	\$5,727.00	\$4,747.00
<b>630 Interest (lease car &amp; 911)</b>	\$7,544.00	\$7,750.00	\$4,091.00	\$5,070.00
<b>770 Grants - Water tank and Interstate Lights</b>	\$0.00	\$505,000.00	\$317,306.00	\$0.00
<b>910 Land</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>920 911 Payment</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>930 Improvements (Christmas)</b>	\$77,369.00	\$18,500.00	\$15,162.00	\$5,000.00
<b>934 Water line improvements (Water Tank)</b>	\$13,162.00	\$0.00	\$0.00	\$0.00
<b>937 PARKS AND RECREATION</b>	\$2,100.00	\$12,000.00	\$2,000.00	\$5,000.00
<b>Subtotal - Other General Expenses</b>	<b>\$628,236.00</b>	<b>\$1,102,279.95</b>	<b>\$850,964.00</b>	<b>\$643,833.26</b>

	2001-2002	2002-2003	ESTIMATED	2003-2004
<b>42100 Police</b>				
121 Chief - Wages	\$41,961.00	\$42,500.00	\$46,095.00	\$43,500.00
121 Patrolmen - Wages	\$209,219.00	\$233,956.00	\$217,748.00	\$192,811.00
121 ADD ONE PATROLMAN	\$0.00	\$0.00	\$0.00	\$45,000.00
123 OVERTIME	\$0.00	\$25,702.00	\$0.00	\$60,197.00
134 CHRISTMAS BONUS/SUPPLEMENT				\$6,650.00
219 Other Communication and Transportation	\$244.00	\$0.00	\$0.00	\$0.00
220 Printing, Duplicating, Ect.	\$1,009.00	\$700.00	\$408.00	\$700.00
235 Memberships, Registration Fees and Tuition	\$210.00	\$750.00	\$3,035.00	\$6,000.00
245 Telephone - Cell phone	\$2,537.00	\$1,300.00	\$1,668.00	\$1,600.00
259 Other Professional Service	\$0.00	\$0.00	\$0.00	\$0.00
261 Repair and Maintenance Motor Vehicle	\$1,367.00	\$5,500.00	\$9,185.00	\$8,000.00
262 Repair & Maint. Other Machinery	\$163.00	\$1,000.00	\$855.00	\$1,500.00
283 Out of Town Expense	\$1,526.00	\$2,500.00	\$484.00	\$4,000.00
290 Other Contractual Services	\$89.00	\$500.00	\$49.00	\$500.00
310 Office Supplies and Materials	\$884.00	\$2,000.00	\$1,041.00	\$1,000.00
320 Operating Supplies	\$773.00	\$18,000.00	\$16,403.00	\$32,000.00
322 Chemical, Lab, Medical	\$425.00	\$1,000.00	\$14.00	\$500.00
323 Food	\$124.00	\$1,000.00	\$123.00	\$1,000.00
326 Clothing and Uniforms	\$5,584.00	\$5,000.00	\$3,379.00	\$6,500.00
327 Fire Arms Supplies	\$188.00	\$400.00	\$295.00	\$300.00
329 Other Operating Supplies	\$2,332.00	\$0.00	\$0.00	\$0.00
331 Gas, Oil, Diesel fuel, Grease	\$687.00	\$1,500.00	\$707.00	\$1,000.00
332 Motor Vehicle Parts	\$723.00	\$700.00	\$835.00	\$700.00
334 Tires, Tubes and Ect	\$2,403.00	\$4,200.00	\$2,833.00	\$4,200.00
940 Cars / EQUIPMENT	\$0.00	\$32,000.00	\$32,000.00	\$25,000.00
<b>SUB TOTAL - POLICE</b>	<b>\$272,448.00</b>	<b>\$380,208.00</b>	<b>\$337,157.00</b>	<b>\$442,658.00</b>
<b>42200 Fire Protection and Control</b>				
121 Chief - Wages	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
162 Firemen - Wages	\$1,445.00	\$1,900.00	\$1,500.00	\$1,900.00
190 Other Personal Services - Flowers	\$25.00	\$200.00	\$30.00	\$200.00
212 Freight, Express,	\$0.00	\$0.00	\$0.00	\$100.00
235 Memberships, Registration Fees and Tuition	\$430.00	\$500.00	\$250.00	\$550.00
236 Public Relation Misc	\$0.00	\$0.00	\$0.00	\$150.00
260 Repair and Maintenance Services	\$396.00	\$3,000.00	\$953.00	\$3,000.00
261 Repair and Maintenance Vehicles	\$821.00	\$5,000.00	\$0.00	\$3,000.00
283 Out of Town Expense	\$209.00	\$500.00	\$221.00	\$550.00
287 Meals and Entertainment	\$1,428.00	\$1,600.00	\$1,183.00	\$1,600.00

319 Other Office Supplies	\$0.00	\$0.00	\$0.00	\$100.00
320 Operating Supplies	\$1,468.00	\$5,000.00	\$9,032.00	\$10,000.00
326 Clothing and Uniforms	\$1,922.00	\$5,000.00	\$2,197.00	\$6,000.00
331 Oil changes	\$181.00	\$500.00	\$277.00	\$500.00
332 Motor Vehicle Parts	\$373.00	\$1,000.00	\$365.00	\$1,000.00
511 General Liability Ins.	\$1,682.00	\$2,000.00	\$1,726.00	\$1,900.00
770 Grant - FEMA fire grant	\$0.00	\$98,000.00	\$0.00	\$0.00
920 Building	\$16,551.00	\$0.00	\$0.00	\$0.00
<b>SUB TOTAL- FIRE DEPARTMENT</b>	<b>\$29,329.00</b>	<b>\$126,600.00</b>	<b>\$20,134.00</b>	<b>\$32,950.00</b>
<b>42300 Animal Control</b>	<b>2001-2002</b>	<b>2002-2003</b>	<b>ESTIMATED</b>	<b>2003-2004</b>
240 Utilities	\$0.00	\$600.00	\$0.00	\$600.00
259 Other Professional Service - Vet	\$0.00	\$100.00	\$50.00	\$100.00
260 Repair and Maint	\$0.00	\$500.00	\$9.00	\$500.00
320 Operating Supplies	\$177.00	\$300.00	\$0.00	\$300.00
530 Rent	\$0.00	\$1,200.00	\$0.00	\$1,200.00
<b>SUB TOTAL - Animal Control</b>	<b>\$177.00</b>	<b>\$2,700.00</b>	<b>\$59.00</b>	<b>\$2,700.00</b>
<b>42620 Rescue Squad</b>	<b>2001-2002</b>	<b>2002-2003</b>	<b>ESTIMATED</b>	<b>2003-2004</b>
219 Other Communication (PAGERS)	\$0.00	\$0.00	\$0.00	\$1,200.00
235 Memberships, Registration Fees	\$270.00	\$500.00	\$100.00	\$500.00
260 Repair and Maint Services	\$0.00	\$0.00	\$0.00	\$100.00
261 Repair and Maint Service Vehicles	\$180.00	\$2,000.00	\$832.00	\$2,000.00
310 Office Supplies and Materials	\$0.00	\$100.00	\$100.00	\$100.00
320 Operating Supplies	\$4,445.00	\$5,000.00	\$4,073.00	\$7,000.00
331 Oil changes	\$0.00	\$100.00	\$22.00	\$150.00
<b>SUB TOTAL - RESCUE SQUAD</b>	<b>\$4,895.00</b>	<b>\$7,700.00</b>	<b>\$5,127.00</b>	<b>\$11,050.00</b>
<b>43100 Highways and Streets</b>	<b>2001-2002</b>	<b>2002-2003</b>	<b>ESTIMATED</b>	<b>2003-2004</b>
121 Supervisor - Wages	\$14,618.00	\$15,400.00	\$16,174.00	\$15,950.00
121 Crew - Wages	\$52,744.00	\$59,228.00	\$56,895.00	\$55,464.64
123 OVERTIME	\$0.00	\$2,139.00	\$0.00	\$8,080.00
134 CHRISTMAS BONUS				\$963.00
235 Memberships, Registration Fees	\$0.00	\$0.00	\$110.00	\$0.00
236 Public Relation	\$500.00	\$500.00	\$500.00	\$500.00
261 Repair and Maintenance Motor Vehicle	\$1,801.00	\$4,000.00	\$538.00	\$4,000.00
262 repair and Maintenance other machinery	\$600.00	\$1,000.00	\$553.00	\$1,000.00
320 Operating Supplies	\$4,558.00	\$8,500.00	\$7,911.00	\$8,500.00
322 Chemical, Laboratory	\$350.00	\$400.00	\$866.00	\$400.00 <sup>80</sup>
326 Clothing and Uniforms (Gloves,boots,safety glasses coveralls)	\$2,328.00	\$2,200.00	\$1,542.00	\$2,200.00
331 Gas Oil, Diesel Fuel, Grease	\$2,000.00	\$700.00	\$810.00	\$1,000.00

<b>332 Motor Vehicle Parts</b>	\$1,169.00	\$2,000.00	\$114.00	\$500.00
<b>334 Tires, Tubes &amp; Ect</b>	\$1,430.00	\$3,200.00	\$275.00	\$3,200.00
<b>450 Raw Materials</b>	\$0.00	\$2,500.00	\$63.00	\$2,500.00
<b>770 GRANT BILLS</b>	\$0.00	\$0.00	\$3,932.00	\$0.00
<b>931 Road Materials and Repairs</b>	\$0.00	\$20,000.00	\$2,400.00	\$100,000.00
<b>932 Drainage Improvements</b>	\$0.00	\$0.00	\$0.00	\$0.00
<b>940 LAWN MOWER/KINGCAB TON TRUCK/BACKHOE</b>	\$42,696.00	\$0.00	\$0.00	\$50,000.00
<b>SUB TOTAL – HIGHWAY AND STREET SANITATION DEPT.</b>	<b>\$123,083.00</b>	<b>\$121,767.00</b>	<b>\$92,683.00</b>	<b>\$254,257.64</b>
	<b>2001-2002</b>	<b>2002-2003</b>	<b>ESTIMATED</b>	<b>2003-2004</b>
<b>121 Supervisor - Wages</b>	\$11,960.00	\$12,600.00	\$13,409.00	\$13,050.00
<b>121 Crew - Wages</b>	\$42,517.00	\$48,528.00	\$44,931.00	\$45,380.16
<b>123 OVERTIME</b>	\$0.00	\$1,785.00	\$0.00	\$4,080.00
<b>134 CHRISTMAS BONUS</b>				\$788.00
<b>219 Other Communication - pager</b>	\$24.00	\$0.00	\$0.00	\$0.00
<b>261 Repair and Maintenance Motor Vehicle</b>	\$3,210.00	\$4,400.00	\$4,400.00	\$5,000.00
<b>295 Landfill Services</b>	\$25,669.00	\$30,000.00	\$26,000.00	\$30,000.00
<b>320 Operating Supplies</b>	\$70.00	\$2,000.00	\$257.00	\$2,000.00
<b>326 Clothing and Uniforms</b>	\$1,829.00	\$3,350.00	\$1,930.00	\$3,350.00
<b>331 Gas, Oil, Diesel, Grease</b>	\$345.00	\$500.00	\$156.00	\$500.00
<b>332 Motor Vehicle Parts</b>	\$977.00	\$1,000.00	\$92.00	\$1,000.00
<b>334 Tires, Tubes and Ect.</b>	\$2,129.00	\$2,500.00	\$561.00	\$2,500.00
<b>SUB TOTAL- SANITATION</b>	<b>\$88,730.00</b>	<b>\$106,663.00</b>	<b>\$91,736.00</b>	<b>\$107,648.16</b>
<b>Sewer wages</b>	\$0.00		\$740.00	
	\$0.00			
<b>Total Expenditures</b>	<b>\$1,270,887.00</b>	<b>\$2,029,942.95</b>	<b>\$1,524,057.00</b>	<b>\$1,829,947.16</b>

SAVINGS \$868,632.81  
 CD'S \$226,047.12  
**TOTAL FUND BALANCE 6/26/03** \$1,094,679.93

**AMOUNT USED FOR 2003-2004 BUDGET** \$426,116.16

**TOTAL FUND BALANCE AFTER USING SOME FOR  
 2003-2004 BUDGET** \$668,563.77

## Town of Kimball State Street Aid Fund

Account Number	Revenue	CPA'S #'S 2000-2001	CPA's #'s 2001-2002	Budgeted 2002-2003	ESTIMATED	BUDGET 2003-2004
33551	State Gas Tax	\$34,759.00	\$36,663.00	\$34,000.00	\$36,641.00	\$34,500.00
36100	Interest	\$683.00	\$453.00	\$450.00	\$204.00	\$450.00
37990	Misc	\$218.00	\$0.00	\$0.00	\$0.00	\$0.00
	<b>Total Revenues</b>	<b>\$35,660.00</b>	<b>\$37,116.00</b>	<b>\$34,450.00</b>	<b>\$36,845.00</b>	<b>\$34,950.00</b>
	<b>Reserves (fund Balance)</b>	<b>\$12,978.00</b>	<b>\$11,573.00</b>	<b>(\$20,000.00)</b>	<b>\$20,000.00</b>	

Account Number	Expenditures	CPA'S #'S 2000-2001	CPA's #'s 2001-2002	Budgeted 2003	ESTIMATED	BUDGET 2003-2004
931	Road Materials and Repairs	\$1,208.00	\$2,507.00	\$27,550.00	\$28,412.00	\$7,750.00
247	Street Lights Electricity	\$19,119.00	\$21,238.00	\$23,000.00	\$21,295.00	\$23,000.00
248	Traffic Light Electricity	\$603.00	\$867.00	\$850.00	\$1,086.00	\$1,200.00
260	Repair & Maint Service	\$103.00	\$0.00	\$0.00	\$1,750.00	\$0.00
320	Operating Supplies	\$0.00	\$0.00	\$500.00	\$0.00	\$0.00
340	Other Repair & Maint Supp.	(\$2.00)	\$0.00	\$0.00	\$0.00	\$0.00
342	Sign Parts and Supplies	\$1,021.00	\$850.00	\$1,050.00	\$751.00	\$800.00
390	OTHER SUPPLY ITEMS	\$0.00	\$0.00	\$0.00	\$300.00	\$300.00
450	Raw Materials	\$478.00	\$0.00	\$1,000.00	\$1,308.00	\$1,400.00
452	Gravel and Sand	\$152.00	\$81.00	\$500.00	\$123.00	\$500.00
	<b>Total Expenditures</b>	<b>\$22,682.00</b>	<b>\$25,543.00</b>	<b>\$54,450.00</b>	<b>\$55,025.00</b>	<b>\$34,950.00</b>

**KIMBALL POLICE DEPARTMENT  
DRUG FUND PROPOSED  
BUDGET FOR 2003-2004**

<b>BALANCE</b>	<b>\$12,382.00</b>
<b>20% SET ASIDE FOR FINGER PRINTING IMAGING SYSTEM</b>	<b>\$2,994.00</b>
<b>Total Available for Spending</b>	<b>\$9,388.00</b>
<b>REVENUE</b>	<b>\$1,500.00</b>
<b>20% SET ASIDE FOR FINGER PRINTING IMAGING SYSTEM</b>	<b>\$300.00</b>
<b>Total Revenue for 03-04 Available for Spending</b>	<b>\$1,200.00</b>
<b>Balance PLUS REVENUE MINUS FINGER PRINT SYSTEM</b>	<b>\$10,588.00</b>
<b>EXPENSES</b>	
<b>OPERATING SUPPLIES</b>	
<b>4 RADARS AND 2 EXTRA REAR ANTENNAS</b>	<b>\$7,000.00</b>
<b>TOTAL EXPENSES</b>	<b>\$7,000.00</b>

# TOWN OF KIMBALL SEWER FUND

## REVENUE

	CPA's #'s 2000-2001	CPA's #'s 2001-2002	Budgeted 2002- 2003	ESTIMATED	BUDGETED 2003-2004
<b>37210 Sewer Services Charges</b>	\$35,591.00	\$34,994.00	<b>\$36,000.00</b>	\$32,641.00	<b>\$35,000.00</b>
<b>36100 Interest Earnings</b>	\$890.00	\$803.00	<b>\$700.00</b>	\$487.00	<b>\$500.00</b>
<b>37296 Sewer Tap Fees</b>	\$1,000.00	\$0.00	<b>\$1,000.00</b>	\$0.00	<b>\$0.00</b>
<b>37299 Grease Trap Fees</b>	\$6,900.00	\$6,600.00	<b>\$6,900.00</b>	\$4,500.00	<b>\$6,900.00</b>
<b>37990 Other Non-Operating Rev.</b>	\$1,000.00	\$1,453.00	<b>\$0.00</b>	\$1,272.00	<b>\$0.00</b>
<b>Total Revenues</b>	<b>\$45,381.00</b>	<b>\$43,850.00</b>	<b>\$44,600.00</b>	\$38,900.00	<b>\$42,400.00</b>

## EXPENDITURES

	CPA'S #'S 2000-2001	CPA's #'s 2001-2002	Budgeted 2002- 2003	ESTIMATED	BUDGETED 2003-2004
<b>121 Salaries</b>	\$253.00	\$216.00	<b>\$400.00</b>	\$740.00	<b>\$600.00</b>
<b>235 Memberships, Registrations</b>	\$0.00	\$285.00	<b>\$400.00</b>	\$0.00	<b>\$285.00</b>
<b>241 Electric</b>	\$3,906.00	\$3,737.00	<b>\$4,000.00</b>	\$3,451.00	<b>\$3,000.00</b>
<b>260 Repairs</b>	\$5,213.00	\$1,132.00	<b>\$6,300.00</b>	\$75.00	<b>\$4,000.00</b>
<b>283 Out of town expense</b>	\$0.00	\$835.00	<b>\$400.00</b>	\$23.00	<b>\$200.00</b>
<b>290 Sewer Samples &amp; Prof. Ser.</b>	\$1,560.00	\$460.00	<b>\$600.00</b>	\$2,519.00	<b>\$2,400.00</b>
<b>340 Other Repairs &amp; Maints</b>	\$610.00	\$0.00	<b>\$300.00</b>	\$2,180.00	<b>\$1,200.00</b>
<b>540 Depreciation</b>	\$21,419.00	\$21,419.00	<b>\$23,000.00</b>	\$21,600.00	<b>\$21,795.00</b>
<b>630 Interest Expense</b>	\$9,519.00	\$9,383.00	<b>\$8,778.00</b>	\$8,778.00	<b>\$8,475.00</b>
<b>693 Bond Amortization Expense</b>	\$170.00	\$170.00	<b>\$172.00</b>	\$0.00	<b>\$175.00</b>
<b>555 Bank Service Charge</b>	\$0.00	\$10.00	<b>\$0.00</b>	\$0.00	<b>\$20.00</b>
<b>565 Permit Fee</b>	\$0.00	\$0.00	<b>\$250.00</b>	\$250.00	<b>\$250.00</b>
<b>Total Expenditures</b>	<b>\$42,650.00</b>	<b>\$37,647.00</b>	<b>\$44,600.00</b>	\$39,616.00	<b>\$42,400.00</b>

**ORDINANCE NO. 151**

**AN ORDINANCE TO AMEND THE OFFICIAL  
ZONING MAP FOR THE TOWN OF KIMBALL,  
TENNESSEE BY REZONING CERTAIN  
PROPERTIES HEREIN DESCRIBED FROM  
ZONING CLASSIFICATION R-1, LOW DENSITY  
RESIDENTIAL DISTRICT TO C-2, HIGHWAY  
BUSINESS DISTRICT**

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1**      The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Commercial District, as indicated by the attached map dated June 2003 and further described in Section 2.

**Section 2**      **BEGINNING** at an iron pipe on the southerly side of U.S. Highway 41 (Main Street), said iron pipe being a northwesterly corner to Joe Ray Wilson, ETAL;

Thence, with Joe Ray Wilson, ETAL South 22 degrees 31 minutes 50 seconds East 249.11 feet to a point, the **TRUE POINT OF BEGINNING**;

Thence, leaving Joe Ray Wilson, ETAL three new courses through Rod and Katherine Wittington; (1) South 73 degrees 23 minutes 11 seconds West – 7.97 feet to a point; (2) Around a curve to the right (Chord South 05 degrees 25 minutes 58 seconds West –273.07 feet) Delta 48 degrees 43 minutes, 20 seconds Radius 331.00 feet, length 281.47 feet) to a point; (3) South 28 degrees 19 minutes 17 seconds East – 773.11 feet to a point on the northerly side of Interstate 24;

Thence, with the northerly side of Interstate 24 South 61 degrees 40 minutes 43 seconds West – 1159.57 feet to an iron rod, a southeasterly corner to Excel Realty Partners;

Thence, with Excel Realty Partners North 22 degrees 13 minutes 39 seconds West-786.77 feet to an iron rod, a northeasterly corner to Excel Realty Partners;

Thence, eight new courses through Rod and Katherine Wittington, ETAL; (1) North 22 degrees 13 minutes 39 seconds West – 65.00 feet to a point; (2) North 67 degrees 49 minutes 35 seconds East – 527.03 feet to a point; (3) Around a curve to the left (Chord North 65 degrees 22 minutes 45 seconds West – 168.67 feet, Delta 04 degrees 53 minutes 41 seconds, Radius 1975.00 feet, length 168.72 feet) to a point; (4) North 59 degrees 41 minutes 36 seconds East – 159.55 feet to a point; (5) North 61 degrees 40 minutes 43 seconds East – 42.54 feet to a point; (6) Around a curve to



the left (Chord North 20 degrees 54 minutes 55 seconds East – 351.28 feet, Delta 81 degrees 31 minutes 37 seconds, Radius 269.00 feet, Length 382.76 feet) to a point; (7) North 19 degrees 50 minutes 54 seconds West – 29.82 feet to a point; (8) South 82 degrees 52 minutes 21 seconds West – 78.44 feet to the BEGINNING.

**Section 3** The attached map, dated June 2003 further illustrates the area being zoned in Kimball, Tennessee.

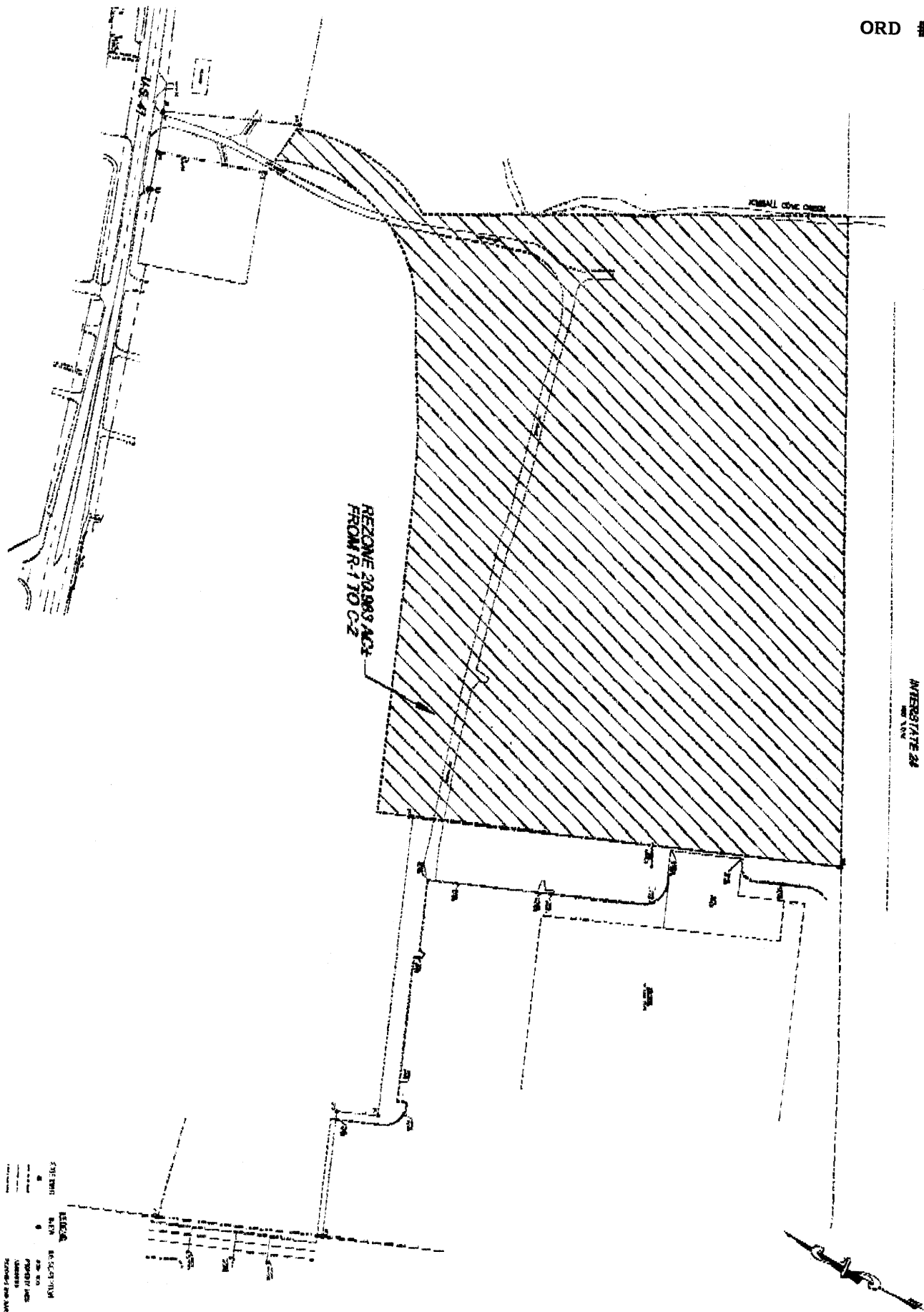
**Section 4** **THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

FIRST READING: June 26, 2003

SECOND READING: July 3, 2003

David Jackson  
Mayor

ATTEST Jonia Moss  
City Recorder



**ORDINANCE NO. 152**

**AN ORDINANCE TO AMEND ORDINANCE 148 CONCERNING THE BUDGET FOR THE YEAR 2002-2003 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 27<sup>th</sup> day of June, 2002, as set forth an Ordinance 148, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2002-2003, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendment to the budget set forth as INCREASE REVENUE FOR STATE STREET AID FUND

	BUDGETED AMOUNT	AMENDED AMOUNT	TOTAL WITH AMENDMENTS
33551 STATE GAS TAX	\$34,000	\$1,750	\$35,750
INCREASE EXPENDITURES FOR STATE STREET AID FUND			
43100 260 REPAIR AND MAINT.	\$0	\$1750	\$1750

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**Section 1:** That Ordinance 148 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 148, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2002-2003.


**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 7<sup>th</sup> day of August, 2003.

  
David Jackson, Mayor

ATTEST:

  
Tonia Moss, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading July 3, 2003.

Passed on Second Reading August 7, 2003.

**ORDINANCE NO. 153**

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE  
TO AMEND TITLE 14, CHAPTER 4 OF THE KIMBALL MUNICIPAL CODE  
REGARDING INCREASING THE MAXIMUM HEIGHT OF BUIDINGS IN THE  
TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 75 and its subsequent Amendments, the Town of Kimball, Tennessee adopted various zoning ordinances which contain regulations regarding the construction and contents of commercial and residential buildings within the municipal limits of the Town of Kimball, Tennessee; and

**WHEREAS**, the Town of Kimball, Tennessee has subsequently adopted the Kimball Municipal Code as a codification of all its previous Ordinances; and

**WHEREAS**, Title 14, Chapter 4 of the Kimball Municipal Code contains a provision that the maximum height allowed for commercial buildings shall be no higher than three (3) stories or forty (40) feet from the finish grade; and

**WHEREAS**, the Mayor and Aldermen of the Town of Kimball have determined that due to the topography of the Town and the improvements in fire-fighting capabilities within Marion County, the maximum height for commercial buildings should be increased from forty (40) feet to sixty (60) feet from the finish grade.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Kimball Municipal Code shall be amended by making the following modifications:

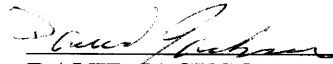
SECTION 1. Title 14, Chapter 4, Section 14-404(B)(4)(f) shall be deleted in its entirety and replaced with the following:

Height Restriction. No building or structure shall exceed sixty (60) feet except as provided in Section 14-603.

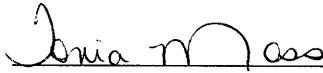
SECTION 2. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**THEREFORE, BE IT FURTHER ORDAINED**, that this Ordinance shall take effect and be in force from and after the second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2nd and final reading on the 4<sup>th</sup> day of September, 2003.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for Town of Kimball

Passed on first reading August 7, 2003.

Public hearing September 4, 2003.

Passed on second reading September 4, 2003.

**ORDINANCE NO. 154**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Business District, as indicated by the attached map dated August 2003 and further described in Section 2.

**Section 2** BEGINNING at a point said point being the southwestern corner of Parcel 4, Marion County Tax Map 133E, Group C, dated 8/98; thence, in a generally southerly direction following the eastern property line of Parcel 5, for a distance of approximately 220 feet to a point, said point being the southeastern corner of said Parcel 5; thence in a generally westerly direction following the southern property line of said Parcel 5 for a distance of approximately 260 feet to a point, said point being a point lying in the southern property line of said Parcel 5; thence in a generally southerly direction projecting a straight line crossing Parcel 127, Marion County Tax Map 133, date 8/98, and following the current C-2, Highway Business District, zoning boundary line for a distance of approximately 270 feet to a point; thence in a generally easterly direction following the current C-2, Highway Business District, zoning boundary line for a distance of approximately 1,340 feet to a point, said point being the southeastern corner of Parcel 1, Marion County Tax Map 133E, Group C, dated 8/98; thence in a generally westerly direction following the southern property lines of said Parcel 1 and Parcels 2, 3 and said Parcel 4 for a distance of approximately 750 feet to the point of beginning.

**Section 3** The attached map, dated August 2003 further illustrates the area being zoned in Kimball, Tennessee.

**Section 4**      **THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** September 4, 2003

**SECOND READING:** October 2, 2003

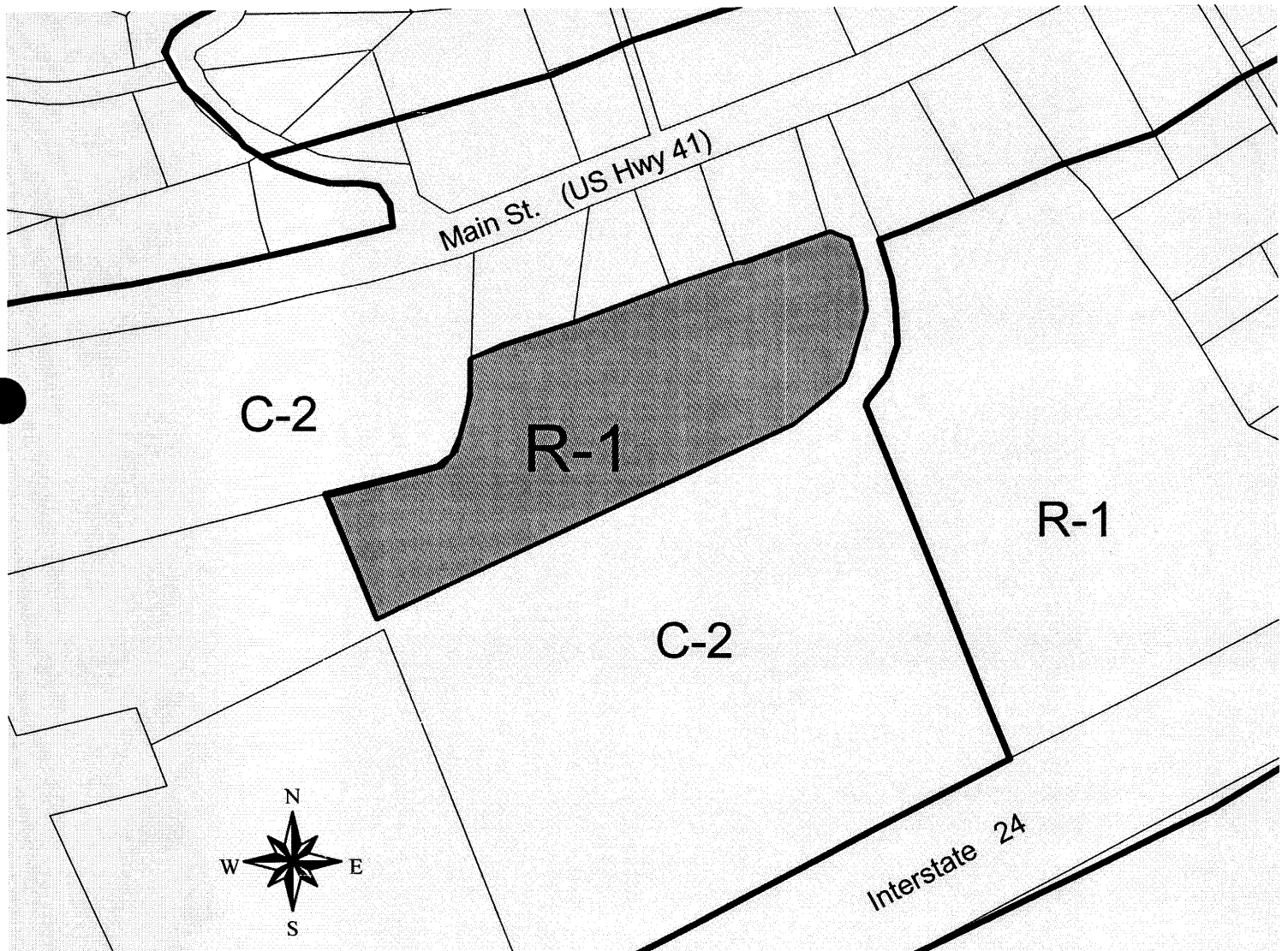
  
\_\_\_\_\_  
**Mayor**

**ATTEST** Jana Moss  
**Town Recorder**

# Kimball, Tennessee

## Proposed Rezoning from R-1 to C-2

August 2003



 **Subject Area**

Local Planning Assistance Office  
Chattanooga, Tennessee



**ORDINANCE NUMBER 155**

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE  
TO MODIFY THE TOWN'S PURCHASING POLICY**

**WHEREAS**, Title 5, Chapter 6-101 et. seq. of the Kimball Municipal Code contains the Town's version of the Municipal Purchase Law of 1983 as codified in Tennessee Code Annotated Section 6-56-301 et. seq.; and

**WHEREAS**, the Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interests of the Town to increase its spending limits within the allowances provided for in the above-referenced statutes; and

**WHEREAS**, the Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interests of the Town to modify Title 5, Chapter 6 of the Kimball Municipal Code, in its entirety.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

Section 1. Title 5, Chapter 6 of the Kimball Municipal Code shall be deleted in its entirety and replaced with the following:

**5-601. APPOINTMENT OF PURCHASING AGENTS.**

The Mayor and City Recorder are hereby appointed the purchasing agents for the Town of Kimball, Tennessee

**5-602. PURCHASES LESS THAN \$1,500.00.** Any purchase in an amount less than \$1,500.00 shall not require authorization by the Board of Mayor and Aldermen. Any purchase in excess of \$1,500.00 shall be pre-approved by the Board of Mayor and Aldermen or ratified subsequent to any emergency purchase at the next business meeting.

**5-603. PURCHASES LESS THAN \$5,000.00.** Any purchase in an amount less than \$5,000.00 shall require the use of a prenumbered purchase order. Said purchase orders are to be approved by a purchasing agent who is required to indicate that there is a sufficient balance in the unexpended appropriation to allow the expenditure and to indicate that the expenditure is in accordance with the appropriation.

**5-604. Purchases in excess of \$5,000.00.** Any purchase in excess of \$5,000.00 shall be made by the competitive bid process. When competitive bids are necessary, the following procedures must be followed prior to any purchase or expenditure:

- (1) Written specifications shall be prepared and included in any advertisement for bid;
- (2) Upon receipts of any bids, the city recorder shall mail copies of these specifications to perspective bidders;
- (3) The city recorder shall maintain complete records of any bids or bid deposits received;
- (4) All bids shall be advertised in the local newspaper at least one week prior to the scheduled opening of the bids;
- (5) The mayor and board of aldermen shall hold a public bid opening at the time and place announced.

**5-605. Written agreement may be required.** Upon the receipt of a successful bid, the Mayor and Board of Aldermen may require the successful bidder to sign the written agreement after the contract has been awarded. A copy of said contract should be maintained in the Town's file. Any unsuccessful bid deposits shall be returned to said unsuccessful bidders after the contract is signed, unless provided for otherwise in the bid.

**5-606. Price quotations.** If competitive bidding is unnecessary, the purchasing agent who is authorized to make purchases should obtain price quotations from as many available sources as possible and avoid any purchase contract that may involve any potential or actual conflict of interest on the part of any public official or the Town. A written record of any price quotations shall be kept in the town's files.

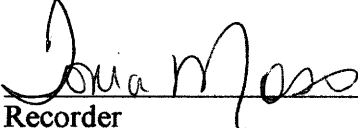
Section 2. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, then said part shall be severable and the remaining provisions shall continue to be in full force and effect.

Section 3. This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed and approved by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on second and final reading on the 4<sup>th</sup> day of March, 2004.

  
David Jackson, Mayor

ATTEST:

  
Recorder

Passed on 1st reading: February 5, 2004

Passed on 2nd reading: March 4, 2004

Approved as to form:

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Kevin L. Featherston, Town Attorney

## **ORDINANCE NO. 156**

### **AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO AMEND TITLE 14, CHAPTER 9 OF THE KIMBALL MUNICIPAL CODE REGARDING THE REGULATION OF SIGNS WITHIN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance No. 75 and its subsequent Amendments, the Town of Kimball, Tennessee adopted various zoning ordinances which contain regulations regarding the construction, location and maintenance of signs within the municipal limits of the Town of Kimball, Tennessee; and

**WHEREAS**, the Town of Kimball, Tennessee, has subsequently adopted the Kimball Municipal Code as a codification of all of its previous Ordinances; and

**WHEREAS**, Title 14, Chapter 9 of the Kimball Municipal Code contains the various regulations relating to signs; and

**WHEREAS**, the Mayor and Aldermen of the Town of Kimball, Tennessee, have determined that due to changes in the commercial and residential nature of the Town of Kimball, Tennessee, that certain provisions of the sign regulations need to be modified to adapt to the changing circumstances of the town.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the Kimball Municipal Code shall be amended by making the following modifications:

**SECTION 1.** Title 14, Chapter 9, Section 14-902(2)(b)(ii) shall be modified by deleting the last sentence thereof, and the section shall read as follows:

Are set back ten (10) feet from the public right-of-way. This measurement is taken from the edge of the sign to the right-of-way, not from the poles supporting the sign.

**SECTION 2.** Title 14, Chapter 9, Section 14-902(2) shall be modified by adding a new subsection (f), which shall read as follows:

- (f) Banners shall be permitted providing said banners:
  - (i) Do not exceed twenty percent (20%) of the area of the building face to which the sign is to be attached;
  - (ii) Are attached to the structure at all four (4) corners of the banner;
  - (iii) Does not exceed more than one (1) banner per business or structure;

- (iv) Are maintained so that at no time do they become tattered, torn, faded, unsightly or not attached in a safe and secure fashion.

SECTION 3. Title 14, Chapter 9, Section 14-902 shall be amended by adding a new subsection (g) which shall read as follows:

- (g) Monument signs shall be permitted provided the signs:
  - (i) Are no closer than ten (10) feet from the right-of-way as measured from the side of the sign, including supports, to the edge of the right-of-way;
  - (ii) Are no higher than six (6) feet from the ground to the top of the sign or support;
  - (iii) Are no wider than fifteen (15) feet, including supports;
  - (iv) Are located in zones A or C as set forth on the Zoning Map of the Town.

SECTION 4. Title 14, Chapter 9, Section 14-904(c) shall be deleted in its entirety and shall be replaced with the following:

No sign or part thereof shall consist of pendants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices for a period exceeding thirty (30) days. These items may only be used as part of the business's grand opening celebration for a period not to exceed thirty (30) days. There shall be only one grand opening per owner of said business.

SECTION 5. Title 14, Chapter 9, Section 14-904(1) shall be modified by deleting the second sentence thereof, and replacing it with the following:

The Building Inspector shall inspect the location and plans for said sign for compliance with this chapter.

SECTION 6. Title 14, Chapter 9, Section 14-904(2) shall be deleted in its entirety and replaced with the following:

Once an application has been reviewed by the Building Inspector, and the sign is in compliance with this chapter, the Building Inspector may issue the sign permit. However, if for some reason, the sign is not in compliance, and the Building Inspector will not issue the sign permit, the matter may be appealed and shall be brought before the Board of Zoning Appeals for review and consideration.

SECTION 7. Title 14, Chapter 9, Section 14-904(3) shall be deleted in its entirety and replaced with the following:

Upon approval of the application for permit by the Building Inspector as herein above set forth, the Town Recorder or Town Clerk shall collect from the applicant at the time of issuance, a one-time fee for signs calculated by multiplying the total square feet of the sign by the sum of two dollars (\$2.00). All banners, as approved herein, shall be charged an annual fee of one hundred dollars (\$100.00). Said fee is renewable annually on the date of the issuance of the permit.

SECTION 8. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable, and shall be in full force and effect.

**THEREFORE, BE IT FURTHER ORDAINED**, that this Ordinance shall take effect and be in force from and after the second and final reading, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the second and final reading on the 3<sup>rd</sup> day of June, 2004.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:



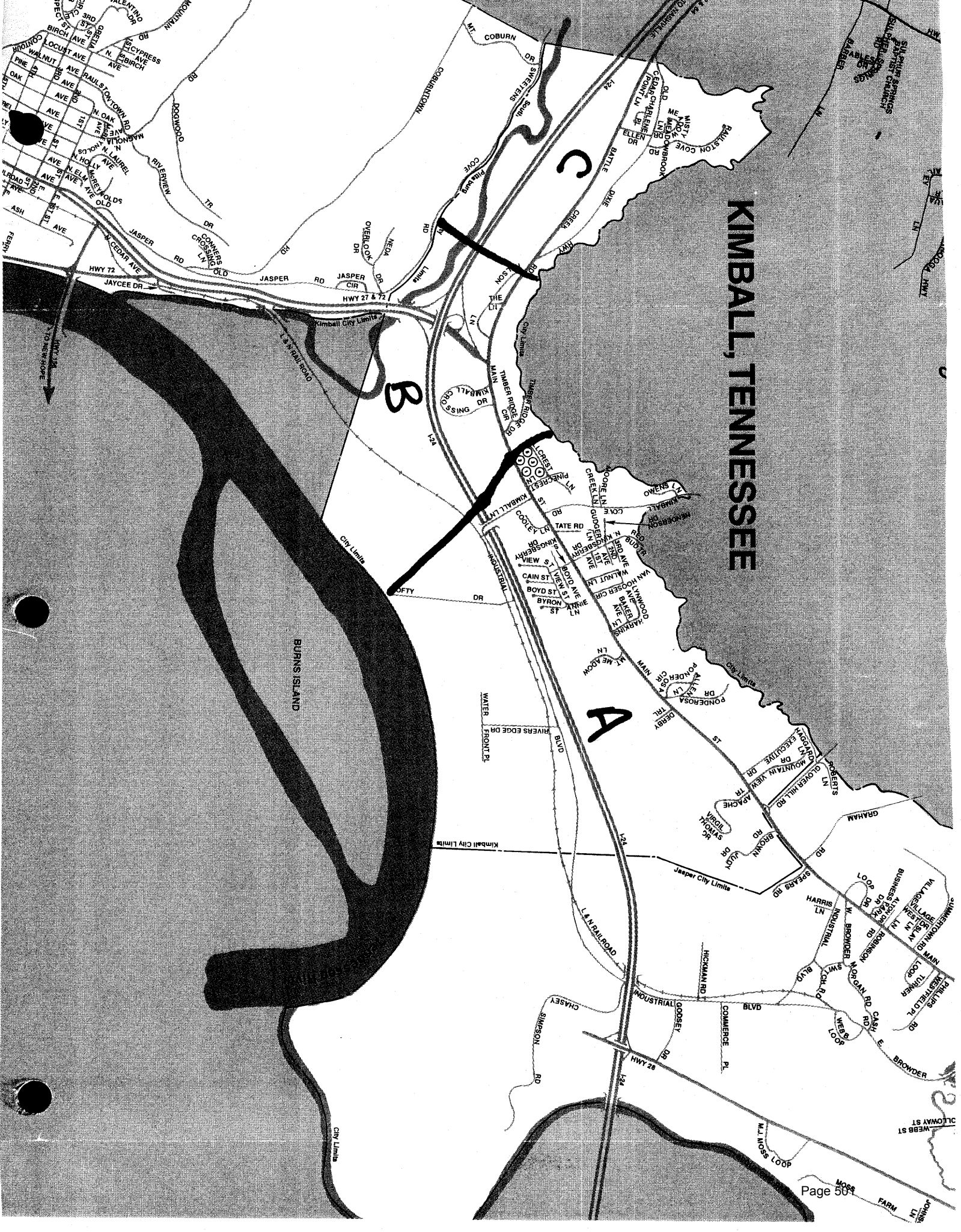
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading May 6, 2004.

Public hearing June 3, 2004.

Passed on second reading June 3, 2004.

# KIMBALL, TENNESSEE





**ORDINANCE NO. 157**

**AN ORDINANCE TO AMEND ORDINANCE 150 CONCERNING THE BUDGET FOR THE YEAR 2003-2004 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 3<sup>rd</sup> day of July, 2003, as set forth an Ordinance 150, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2003-2004, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendment to the budget set forth as

<b>FUND</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>STATE STREET AID FUND</b>			
INCREASE REVENUE			
27100 Fund Balance from Prior Years	\$0.00	\$12,090.00	\$12,090.00
INCREASE EXPENDITURE			
43100 247 Street Light Electricity	\$23,000.00	\$12,090.00	35,090.00
<b>GENERAL FUND</b>			
DECREASE EXPENDITURE			
41990 290 Other Contractual Services	\$170,000.00	-\$6,000.00	\$164,000.00
INCREASE EXPENDITURE			
41990 236 PUBLIC RELATIONS	\$5,000.00	\$6,000.00	\$11,000.00
Historical Preservations \$5,000			
Marion County Sheriff Step for Kids \$200			
WHS Holocaust Program \$1,000			
JES Odyssey of the Mind \$500			

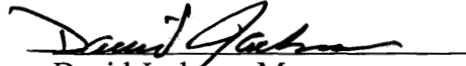
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

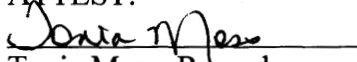
**Section 1:** That Ordinance 150 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 150, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2003-2004.

**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 1<sup>st</sup> day of July, 2004.

  
David Jackson, Mayor

ATTEST:  
  
Tonia Moss, Recorder

APPROVED AS TO FORM:  
  
Kevin L. Featherston, Attorney

Passed on First Reading June 3, 2004.

Passed on Second Reading July 1, 2004.

**ORDINANCE NO. 158**

**AN ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2004-2005**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2004-2005.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

- SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2004-2005.
- SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.
- SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 2004, the public welfare of the Town of Kimball requiring it.

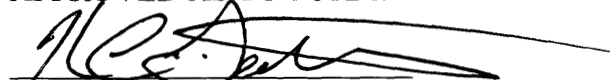
PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 1<sup>st</sup> day of July, 2004.

  
David Jackson, Mayor

ATTEST:

  
Tonia Moss, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading June 3, 2004.

Passed on Second Reading July 1, 2004.

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA#		BUDGETED & AMENDED		ESTIMATED	BUDGETED
			2001-2002	2002-2003	2003-2004	2003-2004	2004-2005	
31110	Real and Personal Property Tax		\$34,634	\$36,699	\$35,500	\$37,149	\$36,000	
31211	Property Tax Delinquent 1st Year		\$0	\$1,237	\$600	\$1,313	\$1,200	
31219	Property Tax Delinquent Other Prior Years		\$321	\$264	\$250	\$212	\$250	
31320	Interest and Penalty on Property Taxes		\$1,008	\$350	\$250	\$334	\$300	
31610	Local Sales Tax – Co. Trustee		\$1,072,311	\$1,057,295	\$925,000	\$1,103,966	\$975,000	
31710	Wholesale Beer Tax		\$87,968	\$85,821	\$80,000	\$82,600	\$82,000	
31820	Gross Receipt Tax (BUSINESS LICENSE)		\$93,256	\$99,276	\$87,000	\$103,883	\$90,000	
31912	Cable TV Franchise Tax		\$2,099	\$2,099	\$3,000	\$2,241	\$2,200	
31920	Room Occupancy Tax		\$131,079	\$135,759	\$113,000	\$146,445	\$113,000	
SUB TOTAL - LOCAL TAXES			\$1,422,676	\$1,418,800	\$1,244,600	\$1,478,143	\$1,299,950	

Fund Balance - Beginning of year	\$693,996	\$1,058,037	\$1,444,155	\$1,444,155	\$1,568,378
Fund Balance - End of year	\$1,058,037	\$1,444,155	\$1,018,039	\$1,568,378	\$795,411

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA#	CPA #	BUDGETED &	ESTIMATED	BUDGETED
			2001-2002	2002-2003	AMENDED 2003-2004	2003-2004	2004-2005
32210	Beer Licenses		\$1,600	\$1,350	\$1,600	\$1,450	\$1,500
32610	Building Permits		\$9,718	\$7,677	\$9,000	\$14,690	\$9,000
32611	Ambulance Rent		\$2,750	\$3,500	\$3,000	\$2,500	\$3,000
32612	911 Rent		\$9,817	\$9,817	\$9,816	\$9,817	\$9,817
32710	Sign Permits		\$650	\$319	\$600	\$3,929	\$600
SUB TOTAL - LICENSE, PERMITS, RENT			\$24,535	\$22,663	\$24,016	\$32,386	\$23,917
33110	Community Block Grant - Water Tank		\$0	\$209,902	\$0	\$0	\$0
33400	State Grants - Interstate Lights & Fire Grant		\$0	\$75,780	\$0	\$0	\$0
33501	Telecommunications		\$203	\$0	\$182	\$227	\$182
33320	TVA Payments in Lieu of Taxes		\$8,795	\$8,544	\$7,280	\$8,664	\$8,000
33510	State Sales Tax		\$78,825	\$79,258	\$65,520	\$77,443	\$75,000
33520	State Income Tax		\$710	\$47	\$910	\$1,547	\$1,000
33530	State Beer Tax		\$641	\$682	\$573	\$651	\$600
33552	State-City Streets and Transport		\$3,025	\$2,992	\$2,730	\$2,972	\$2,500
33559	State- Police-Supplement Pay		\$3,920	\$4,200	\$3,780	\$3,822	\$3,780
SUB TOTAL - STATE TAXES			\$96,119	\$381,405	\$80,975	\$95,326	\$91,062

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME			BUDGETED & AMENDED		ESTIMATED	BUDGETED
			CPA# 2001- 2002	CPA #2002- 2003	2003-2004	2003-2004	2004-2005	
34121	Clerks' Fees – Business Tax		\$540	\$570	\$540	\$610		\$500
34240	Accident Report Charges		\$906	\$965	\$800	\$1,010		\$800
34400	Sanitation – Charges for Service		\$8,440	\$7,929	\$8,400	\$7,400		\$6,800
SUB TOTAL - FEES			\$9,886	\$9,464	\$9,740	\$9,020		\$8,100
35110	City Court Fines and Costs		\$17,096	\$18,925	\$20,000	\$22,422		\$18,000
36100	Interest Earnings		\$20,521	\$21,363	\$16,000	\$18,873		\$16,000
36220	Lease of Property - Powertel & Signal One		\$6,000	\$6,450	\$6,000	\$6,900		\$6,450
36330	Sale of Equipment - Police Cars & land CHIPPER		\$7,779	\$754	\$0	\$0		\$15,000
36512	Sale of Gasoline		\$64	\$0	\$0	\$0		\$0
36710	Contributions and Donations - Fire Dept		\$0	\$750	\$0	\$125		\$0
36990	Miscellaneous		\$30,247	\$1,784	\$2,500	\$8,802		\$3,000
36930	Sale of Notes		\$0	\$0	\$0	\$0		\$191,928
SUB TOTAL - OTHER REVENUES			\$81,707	\$50,026	\$44,500	\$57,122		\$250,378
<b>Total Revenues</b>			<b>\$1,634,923</b>	<b>\$1,882,358</b>	<b>\$1,403,831</b>	<b>\$1,671,997</b>		<b>\$1,673,407</b>
Fund Balance (EXPENSES - REVENUES) - EXCESS			-\$364,041	-\$386,118	\$426,116	-\$124,223		\$772,967
Total			\$1,270,882	\$1,496,240	\$1,829,947	\$1,547,774		\$2,446,374

## EXPENDITURES

	CPA# 2001-2002	CPA # 2002-2003	BUDGETED & AMENDED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
121 Wages – Mayor	\$15,000	\$13,750	\$15,000	\$15,000	<u>\$15,000</u>
41510 City Recorder Wages	\$29,443	\$32,500	\$34,500	\$34,500	<u>\$38,000</u>
121 City Clerk Wages	\$26,064	\$26,000	\$27,000	\$27,000	<u>\$29,500</u>
134 Vacation/Bonus Pay	\$0	\$471	\$2,500	\$1,779	<u>\$1,000</u>
41650 Board/Administration Wages	\$19,200	\$20,050	\$19,200	\$19,600	\$24,000
<b>SUBTOTAL-WAGES,BOARD,RECORDER,CLERK</b>	<b>\$89,707</b>	<b>\$92,771</b>	<b>\$98,200</b>	<b>\$97,879</b>	<b>\$107,500</b>

**41810 City Hall Building**

**241 Electric**

**242 Water**

**244 Gas**

**245 Telephone and Telegraph**

**265 Repair and Maintenance Grounds**

**321 Agriculture & Horticultures**

**920 Building improvements**

**930 Improvements other than buildings**

**SUBTOTAL – CITY HALL BUILDING**

	<b>CPA# 2001-2002</b>	<b>CPA # 2002-2003</b>	<b>BUDGETED 2003-2004</b>	<b>ESTIMATED 2003-2004</b>	<b>GENERAL FUND 5 BUDGETED 2004-2005</b>
	\$11,344	\$10,912	\$14,000	\$12,675	<u>\$15,000</u>
	\$540	\$1,060	\$850	\$812	<u>\$850</u>
	\$5,623	\$7,602	\$8,500	\$7,331	<u>\$8,500</u>
	\$8,060	\$7,708	\$8,000	\$6,625	<u>\$8,000</u>
	\$8,560	\$3,560	\$5,000	\$15,360	<u>\$9,000</u>
	\$150	\$278	\$300	\$1,078	<u>\$400</u>
	\$0	\$0	\$200,000	\$6,037	<u>\$200,000</u>
	\$0	\$0	\$0	\$44,840	<u>\$10,000</u>
	<b>\$34,277</b>	<b>\$31,120</b>	<b>\$236,650</b>	<b>\$94,758</b>	<b>\$251,750</b>



	CPA# 2001-2002	CPA # 2002-2003	BUDGETED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
<b>41990 Other General Government Expenses</b>					
142 Hospital and Health Insurance	\$84,740	\$102,430	\$130,000	\$113,388	\$145,000
143 Retirement – Current	\$10,284	\$11,722	\$20,437	\$27,019	\$33,567
149 Other Employer Contributions	\$35,481	\$35,573	\$41,885	\$39,133	\$45,000
166 Judge	\$4,400	\$4,800	\$4,800	\$4,800	\$4,800
167 Building Inspector	\$7,200	\$7,200	\$7,200	\$7,200	\$9,600
190 Other Personal Services - Flowers	\$155	\$508	\$500	\$533	\$500
211 Postage, Box Rent, Ect.	\$303	\$1,346	\$2,500	\$4,162	\$2,500
213 Automotive License and Title	\$15	\$15	\$15	\$17	\$120
219 Other Communication and Transportation	\$24	\$0	\$0	\$0	\$0
220 Printing, Duplicate, Ect.	\$922	\$1,373	\$2,000	\$972	\$1,500
231 Publication of Formal and Legal Notices	\$4,176	\$2,450	\$4,000	\$2,918	\$4,000
235 Memberships, Registration Fees, and Tuition	\$7,079	\$410	\$7,500	\$7,258	\$7,500
236 Public Relations	\$12,150	\$3,820	\$11,000	\$11,075	\$7,500
St. Jude - \$800 Shriners - \$600 RHMS \$500					
Lions Club - \$800 Alzheimer's \$800 SPHS \$500					
Marion Co. Fair \$800 Cancer \$800 JES \$500					
MC Sheriff Step for Kids \$250, WMS \$1000					
238 Scholarships	\$0	\$0	\$0	\$4,000	\$4,000
239 Other Publicity	\$752	\$507	\$1,000	\$274	\$1,000
245 Telephone and Telegraph – Cell Phones	\$745	\$870	\$800	\$698	\$800
246 Fire Hydrant Rental	\$8,400	\$8,400	\$10,000	\$9,400	\$11,000
249 Other Utility Services – Pest Control	\$780	\$780	\$780	\$780	\$780
252 Legal Services	\$21,833	\$22,758	\$30,000	\$39,494	\$30,000
253 Accounting and Auditing Services	\$11,963	\$9,477	\$12,500	\$15,178	\$15,500
255 Data Processing Services – Computer	\$8,169	\$9,190	\$12,000	\$16,685	\$16,000

<b>257 Tennessee State Planning Office Services</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,000</b>	<b>\$4,500</b>
<b>259 Other Prof Services (Janitorial,Survey,Engineer)</b>	<b>\$17,369</b>	<b>\$7,449</b>	<b>\$8,000</b>	<b>\$15,155</b>	<b>\$30,000</b>
<b>269 Repair and Maintenance Other Repair and Ma</b>	<b>\$354</b>	<b>\$29</b>	<b>\$1,000</b>	<b>\$0</b>	<b>\$0</b>
<b>283 Out of Town Expense</b>	<b>\$2,304</b>	<b>\$999</b>	<b>\$3,200</b>	<b>\$1,782</b>	<b>\$3,200</b>
<b>290 Other Contractual Services (Dispatchers)</b>	<b>\$151,082</b>	<b>\$165,249</b>	<b>\$164,000</b>	<b>\$139,860</b>	<b>\$170,000</b>
<b>310 Office Supplies and Materials</b>	<b>\$4,639</b>	<b>\$7,769</b>	<b>\$25,000</b>	<b>\$25,162</b>	<b>\$25,000</b>
<b>313 FLAGS</b>	<b>\$1,801</b>	<b>\$194</b>	<b>\$1,000</b>	<b>\$181</b>	<b>\$500</b>
<b>322 Chemical, Lab, Medical</b>	<b>\$100</b>	<b>\$90</b>	<b>\$200</b>	<b>\$0</b>	<b>\$200</b>
<b>323 Food - Christmas Dinner/Hams/Turkeys</b>	<b>\$3,212</b>	<b>\$1,399</b>	<b>\$3,300</b>	<b>\$7,756</b>	<b>\$8,000</b>
<b>324 Household and Janitorial Supplies</b>	<b>\$1,939</b>	<b>\$1,877</b>	<b>\$2,300</b>	<b>\$2,270</b>	<b>\$2,300</b>
<b>329 Other Operating Supplies</b>	<b>\$783</b>	<b>\$1,057</b>	<b>\$2,000</b>	<b>\$5,246</b>	<b>\$2,000</b>
<b>331 Gas, Oil, Diesel Fuel, Grease, Ect.</b>	<b>\$12,244</b>	<b>\$16,219</b>	<b>\$24,000</b>	<b>\$19,073</b>	<b>\$30,000</b>
<b>511 Insurance on Buildings</b>	<b>\$19,497</b>	<b>\$26,050</b>	<b>\$27,000</b>	<b>\$37,493</b>	<b>\$40,000</b>
<b>514 Surety bonds</b>	<b>\$1,126</b>	<b>\$1,251</b>	<b>\$2,500</b>	<b>\$1,201</b>	<b>\$1,500</b>
<b>515 Workers Compensation Ins.</b>	<b>\$25,534</b>	<b>\$31,050</b>	<b>\$32,000</b>	<b>\$28,210</b>	<b>\$32,000</b>
<b>520 Property Ins.</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$5,500</b>	<b>\$0</b>	<b>\$0</b>
<b>522 Vehicle Ins.</b>	<b>\$14,000</b>	<b>\$14,532</b>	<b>\$15,000</b>	<b>\$7,098</b>	<b>\$15,000</b>
<b>555 Bank Charges - overdrawn,checks,deposit slips</b>	<b>\$65</b>	<b>\$72</b>	<b>\$100</b>	<b>\$20</b>	<b>\$100</b>
<b>569 Litigation Tax</b>	<b>\$649</b>	<b>\$784</b>	<b>\$2,000</b>	<b>\$982</b>	<b>\$2,000</b>
<b>594 Retirement - Administrative cost</b>	<b>\$2,923</b>	<b>\$1,885</b>	<b>\$3,000</b>	<b>\$2,162</b>	<b>\$3,000</b>
<b>621 Debt Service Principle (Lease Police Car Payments &amp; 911)</b>	<b>\$39,869</b>	<b>\$4,406</b>	<b>\$4,747</b>	<b>\$4,747</b>	<b>\$58,300</b>
<b>630 Interest (lease car &amp; 911)</b>	<b>\$7,544</b>	<b>\$6,230</b>	<b>\$5,070</b>	<b>\$5,070</b>	<b>\$18,500</b>
<b>770 Grants - Water tank and Interstate Lights</b>	<b>\$0</b>	<b>\$290,531</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>930 Improvements (Christmas)</b>	<b>\$77,369</b>	<b>\$15,162</b>	<b>\$5,000</b>	<b>\$1,696</b>	<b>\$5,000</b>
<b>934 Water and sewer line improvements</b>	<b>\$13,162</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$300,000</b>
<b>937 PARKS AND RECREATION</b>	<b>\$2,100</b>	<b>\$2,000</b>	<b>\$5,000</b>	<b>\$4,382</b>	<b>\$5,000</b>
<b>Subtotal - Other General Expenses</b>	<b>\$628,236</b>	<b>\$823,913</b>	<b>\$643,833</b>	<b>\$618,530</b>	<b>\$1,096,767</b>

	CPA# 2001-2002	CPA # 2002-2003	BUDGETED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
42100 Police					
121 Chief - Wages	\$41,961	\$46,095	\$43,500	\$43,500	\$44,000
121 Patrolmen - Wages	\$209,219	\$217,748	\$192,811	\$201,235	\$221,528
121 ADD ONE PATROLMAN	\$0	\$0	\$45,000	\$17,000	\$25,400
123 OVERTIME	\$0	\$0	\$60,197	\$35,704	\$42,138
134 CHRISTMAS BONUS/SUPPLEMENT	\$0	\$0	\$6,650	\$6,622	\$8,550
219 Other Communication and Transportation	\$244	\$0	\$0	\$0	\$0
220 Printing, Duplicating, Ect.	\$1,009	\$336	\$700	\$475	\$700
235 Memberships, Registration Fees and Tuition	\$210	\$3,135	\$6,000	\$4,614	\$6,500
245 Telephone - Cell phone	\$2,537	\$1,668	\$1,600	\$2,259	\$2,400
261 Repair and Maintenance Motor Vehicle	\$1,367	\$9,185	\$8,000	\$7,882	\$7,000
262 Repair & Maint. Other Machinery	\$163	\$855	\$1,500	\$241	\$700
283 Out of Town Expense	\$1,526	\$484	\$4,000	\$3,189	\$4,000
290 Other Contractual Services	\$89	\$49	\$500	\$263	\$500
310 Office Supplies and Materials	\$884	\$1,041	\$1,000	\$1,225	\$1,200
320 Operating Supplies	\$773	\$16,632	\$32,000	\$14,348	\$20,000
322 Chemical, Lab, Medical	\$425	\$0	\$500	\$525	\$800
323 Food	\$124	\$28	\$1,000	\$393	\$1,250
326 Clothing and Uniforms	\$5,584	\$3,379	\$6,500	\$8,674	\$6,500
327 Fire Arms Supplies	\$188	\$295	\$300	\$8	\$500
329 Other Operating Supplies	\$2,332	\$0	\$0	\$0	\$0
331 Gas, Oil, Diesel fuel, Grease	\$687	\$679	\$1,000	\$988	\$1,250
332 Motor Vehicle Parts	\$723	\$805	\$700	\$98	\$500
334 Tires, Tubes and Ect	\$2,403	\$2,833	\$4,200	\$2,474	\$3,200
940 Cars / EQUIPMENT	\$0	\$32,000	\$25,000	\$23,328	\$203,522
<b>SUB TOTAL - POLICE</b>	<b>\$272,448</b>	<b>\$337,247</b>	<b>\$442,658</b>	<b>\$375,045</b>	<b>\$602,138</b>

**42200 Fire Protection and Control**

**GENERAL FUND 9  
BUDGETED  
2004-2005**

	<b>CPA# 2001-2002</b>	<b>CPA # 2002-2003</b>	<b>BUDGETED 2003-2004</b>	<b>ESTIMATED 2003-2004</b>	
<b>121 Chief - Wages</b>	\$2,400	\$2,400	\$2,400	\$2,400	<u>\$3,000</u>
<b>162 Firemen - Wages</b>	\$1,445	\$1,720	\$1,900	\$1,380	<u>\$2,000</u>
<b>190 Other Personal Services – Flowers</b>	\$25	\$30	\$200	\$70	<u>\$200</u>
<b>212 Freight, Express,</b>	\$0	\$0	\$100	\$0	<u>\$100</u>
<b>235 Memberships, Registration Fees and Tuition</b>	\$430	\$250	\$550	\$233	<u>\$550</u>
<b>236 Public Relation Misc</b>	\$0	\$0	\$150	\$100	<u>\$150</u>
<b>260 Repair and Maintenance Services</b>	\$396	\$2,764	\$3,000	\$379	<u>\$3,000</u>
<b>261 Repair and Maintenance Vehicles</b>	\$821	\$0	\$3,000	\$237	<u>\$3,000</u>
<b>283 Out of Town Expense</b>	\$209	\$221	\$550	\$325	<u>\$550</u>
<b>287 Meals and Entertainment</b>	\$1,426	\$1,183	\$1,600	\$1,723	<u>\$2,500</u>
<b>319 Other Office Supplies</b>	\$0	\$0	\$100	\$0	<u>\$100</u>
<b>320 Operating Supplies</b>	\$1,468	\$9,032	\$10,000	\$6,732	<u>\$10,000</u>
<b>326 Clothing and Uniforms</b>	\$1,922	\$2,197	\$6,000	\$5,946	<u>\$9,000</u>
<b>331 Oil changes</b>	\$181	\$277	\$500	\$0	<u>\$500</u>
<b>332 Motor Vehicle Parts</b>	\$373	\$365	\$1,000	\$178	<u>\$1,000</u>
<b>511 General Liability Ins.</b>	\$1,682	\$1,726	\$1,900	\$2,467	<u>\$3,000</u>
<b>920 Building</b>	\$16,551	\$0	\$0	\$0	<u>\$0</u>
<b>SUB TOTAL- FIRE DEPARTMENT</b>	<b>\$29,329</b>	<b>\$22,165</b>	<b>\$32,950</b>	<b>\$22,170</b>	<b>\$38,650</b>

	CPA# 2001-2002	CPA # 2002-2003	BUDGETED & AMENDED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
<b>42300 Animal Control</b>					
240 Utilities	\$0	\$0	\$600	\$0	<u>\$0</u>
259 Other Professional Service - Vet	\$0	\$59	\$100	\$0	<u>\$200</u>
260 Repair and Maint	\$0	\$0	\$500	\$0	<u>\$0</u>
320 Operating Supplies	\$177	\$0	\$300	\$38	<u>\$50</u>
530 Rent	\$0	\$0	\$1,200	\$0	<u>\$0</u>
<b>SUB TOTAL - Animal Control</b>	<b>\$177</b>	<b>\$59</b>	<b>\$2,700</b>	<b>\$38</b>	<b>\$250</b>

	CPA# 2001-2002	CPA # 2002-2003	BUDGETED & AMENDED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
<b>42620 Rescue Squad</b>					
219 Other Communication (PAGERS)	\$0	\$0	\$1,200	\$1,200	<u>\$2,250</u>
235 Memberships, Registration Fees	\$270	\$100	\$500	\$280	<u>\$500</u>
260 Repair and Maint Services	\$0	\$0	\$100	\$0	<u>\$100</u>
261 Repair and Maint Service Vehicles	\$180	\$832	\$2,000	\$2,366	<u>\$2,000</u>
310 Office Supplies and Materials	\$0	\$100	\$100	\$0	<u>\$100</u>
320 Operating Supplies	\$4,445	\$4,073	\$7,000	\$4,205	<u>\$7,000</u>
331 Oil changes	\$0	\$22	\$150	\$0	<u>\$150</u>
<b>SUB TOTAL – RESCUE SQUAD</b>	<b>\$4,895</b>	<b>\$5,127</b>	<b>\$11,050</b>	<b>\$8,051</b>	<b>\$12,100</b>

	CPA# 2001-2002	CPA # 2002-2003	BUDGETED 2003-2004	ESTIMATED 2003-2004	
<b>43100 Highways and Streets</b>					
121 Supervisor - Wages	\$14,618	\$16,174	\$15,950	\$15,950	\$16,775
121 Crew - Wages	\$52,744	\$58,093	\$55,465	\$55,465	\$64,328
123 OVERTIME	\$0	\$0	\$8,080	\$3,094	\$5,000
134 CHRISTMAS BONUS	\$0	\$0	\$963	\$1,100	\$1,100
235 Memberships, Registration Fees	\$0	\$110	\$0	\$0	\$0
236 Public Relation	\$500	\$500	\$500	\$600	\$600
248 Traffic Light Electricity	\$0	\$0	\$0	\$0	\$3,000
259 Other Professional services	\$0	\$0	\$0	\$0	\$0
260 Repair and Maintenance Traffic Light	\$0	\$0	\$0	\$0	\$1,000
261 Repair and Maintenance Motor Vehicle	\$1,801	\$538	\$4,000	\$4,871	\$3,000
262 repair and Maintenance other machinery	\$600	\$553	\$1,000	\$2,098	\$2,500
320 Operating Supplies	\$4,558	\$7,911	\$8,500	\$6,406	\$8,500
322 Chemical, Laboratory	\$350	\$866	\$400	\$274	\$400
323 Food	\$0	\$0	\$0	\$47	\$200
326 Clothing and Uniforms (Gloves,boots,safety glasses coveralls)	\$2,328	\$1,542	\$2,200	\$2,660	\$3,000
331 Gas, Oil, Diesel Fuel, Grease	\$289	\$810	\$1,000	\$316	\$1,000
332 Motor Vehicle Parts	\$1,169	\$114	\$500	\$1,468	\$1,200
334 Tires, Tubes & Ect	\$1,430	\$275	\$3,200	\$1,045	\$3,200
342 Sign Parts and Supplies	\$0	\$0	\$0	\$0	\$1,000
450 Raw Materials	\$0	\$63	\$2,500	\$281	\$2,500
770 GRANT BILLS	\$0	\$3,932	\$0	\$0	\$0
931 Road Materials and Repairs	\$0	\$105	\$100,000	\$105,782	\$100,000
932 Drainage Improvements	\$0	\$0	\$0	\$3,520	\$3,500
940 LAWN MOWER/KINGCAB TON TRUCK/BACKHOE	\$42,696	\$0	\$50,000	\$34,653	\$10,000
<b>SUB TOTAL - HIGHWAY AND STREET</b>	<b>\$123,083</b>	<b>\$91,586</b>	<b>\$254,258</b>	<b>\$239,630</b>	<b>\$231,803</b>

SANITATION DEPT.	CPA#	CPA #	BUDGETED &	ESTIMATED	BUDGETED
	2001-2002	2002-2003	AMENDED	2003-2004	2004-2005
			2003-2004	2003-2004	
121 Supervisor - Wages	\$11,960	\$13,409	\$13,050	\$13,050	\$13,725
121 Crew - Wages	\$42,517	\$45,671	\$45,380	\$45,380	\$48,541
123 OVERTIME	\$0	\$0	\$4,080	\$170	\$1,000
134 CHRISTMAS BONUS	\$0	\$0	\$788	\$900	\$900
219 Other Communication - pager	\$24	\$0	\$0	\$0	\$0
261 Repair and Maintenance Motor Vehicle	\$3,210	\$3,991	\$5,000	\$2,498	\$2,500
295 Landfill Services	\$25,669	\$26,184	\$30,000	\$26,196	\$30,000
320 Operating Supplies	\$70	\$257	\$2,000	\$643	\$2,000
326 Clothing and Uniforms	\$1,829	\$1,931	\$3,350	\$1,995	\$2,500
331 Gas, Oil, Diesel, Grease	\$345	\$156	\$500	\$0	\$750
332 Motor Vehicle Parts	\$977	\$92	\$1,000	\$156	\$1,000
334 Tires, Tubes and Ect.	\$2,129	\$561	\$2,500	\$685	\$2,500
<b>SUB TOTAL- SANITATION</b>	<b>\$88,730</b>	<b>\$92,252</b>	<b>\$107,648</b>	<b>\$91,673</b>	<b>\$105,416</b>
	\$0	\$0	\$0	\$0	
	\$0				
<b>Total Expenditures</b>	<b>\$1,270,882</b>	<b>\$1,496,240</b>	<b>\$1,829,947</b>	<b>\$1,547,774</b>	<b>\$2,446,374</b>

5/12/2004

CD's \$350,000.00

Savings \$846,025.46

**Total \$1,196,025.46**



# Town of Kimball State Street Aid Fund

Account Number Revenue	CPA'S #'S 2000-2001	CPA's #'s 2001-2002	CPA's #'s 2002-2003	BUDGET & AMENDED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
<b>33551 State Gas Tax</b>	\$34,759.00	\$36,663.00	\$36,692.00	<b>\$34,500.00</b>	\$37,064.00	<u>\$35,000.00</u>
<b>36100 Interest</b>	\$683.00	\$453.00	\$217.00	<b>\$450.00</b>	\$129.00	<u>\$300.00</u>
<b>37990 Misc</b>	\$218.00	\$0.00	\$0.00	<b>\$0.00</b>	\$123.00	<u>\$0.00</u>
<b>RESERVES</b>				<b>\$12,090.00</b>	\$12,090.00	<u></u>
<b>Total Revenues</b>	<b>\$35,660.00</b>	<b>\$37,116.00</b>	<b>\$36,909.00</b>	<b>\$47,040.00</b>	<b>\$49,406.00</b>	<u><b>\$35,300.00</b></u>
<b>RESERVES</b>						
<b>Total Revenues - Total Expenses</b>	<b>\$12,976.00</b>	<b>\$11,574.00</b>	(\$18,116.00)	<b>\$0.00</b>	<b>\$2,324.00</b>	<b>\$0.00</b>
<b>Fund balance - Beginning of year</b>	<b>\$29,332.00</b>	<b>\$42,310.00</b>	<b>\$53,884.00</b>	<b>\$35,768.00</b>	<b>\$23,678.00</b>	<b>\$26,002.00</b>
<b>Fund balance - end of year</b>	<b>\$42,310.00</b>	<b>\$53,884.00</b>	<b>\$35,768.00</b>	<b>\$23,678.00</b>	<b>\$26,002.00</b>	<b>\$26,002.00</b>

<b>Account Number</b>	<b>Expenditures</b>	<b>CPA'S #'S 2000-2001</b>	<b>CPA's #'s 2001-2002</b>	<b>CPA's #'s 2002-2003</b>	<b>BUDGET &amp; AMENDED 2003-2004</b>	<b>ESTIMATED 2003-2004</b>	<b>BUDGETED 2004-2005</b>
931	Road Materials and Repairs	\$1,208.00	\$2,506.00	\$28,412.00	\$7,750.00	\$4,293.00	<u>\$0.00</u>
247	Street Lights Electricity	\$19,119.00	\$21,238.00	\$21,294.00	\$35,090.00	\$37,586.00	<u>\$35,300.00</u>
248	Traffic Light Electricity	\$603.00	\$867.00	\$1,087.00	\$1,200.00	\$1,563.00	<u>\$0.00</u>
260	Repair & Maint Service	\$103.00	\$0.00	\$1,750.00	\$0.00	\$389.00	<u>\$0.00</u>
342	Sign Parts and Supplies	\$1,021.00	\$850.00	\$751.00	\$800.00	\$716.00	<u>\$0.00</u>
390	OTHER SUPPLY ITEMS	\$0.00	\$0.00	\$300.00	\$300.00	\$0.00	<u>\$0.00</u>
450	Raw Materials	\$478.00	\$0.00	\$1,308.00	\$1,400.00	\$461.00	<u>\$0.00</u>
452	Gravel and Sand	\$152.00	\$81.00	\$123.00	\$500.00	\$174.00	<u>\$0.00</u>
932	Bridges and Tunnels	\$0.00	\$0.00	\$0.00	\$0.00	\$1,900.00	<u>\$0.00</u>
<b>Total Expenditures</b>		<b>\$22,684.00</b>	<b>\$25,542.00</b>	<b>\$55,025.00</b>	<b>\$47,040.00</b>	<b>\$47,082.00</b>	<u><b>\$35,300.00</b></u>

## Town of Kimball Drug Fund

Account Number	Revenue	CPA's #'s 2001-2002	CPA's #'s 2002-2003	BUDGET 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
35140	Drug Related Fines	\$1,456.00	\$828.80	\$1,200.00	\$1,807.20	<u>\$1,200.00</u>
34141	20% for Fingerprint System	\$364.00	\$207.20	\$300.00	\$451.80	<u>\$300.00</u>
	<b>Total Revenues</b>	<b>\$1,820.00</b>	<b>\$1,036.00</b>	<b>\$1,500.00</b>	<b>\$2,259.00</b>	<u><b>\$1,500.00</b></u>

Account Number	Expenditures 42129	CPA's #'s 2001-2002	CPA's #'s 2002-2003	BUDGET 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
320	Operating Supplies (2 Radars)	\$0.00	\$0.00	\$7,000.00	\$6,798.00	<u>\$3,300.00</u>
	<b>Total Expenditures</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$7,000.00</b>	<b>\$6,798.00</b>	<u><b>\$3,300.00</b></u>

	<b>Fund Balance - beginning of year</b>	<b>\$10,307.00</b>	<b>\$12,127.00</b>	<b>\$13,163.00</b>	<b>\$13,163.00</b>	<u><b>\$8,624.00</b></u>
	<b>Fund Balance - end of year</b>	<b>\$12,127.00</b>	<b>\$13,163.00</b>	<b>\$7,663.00</b>	<b>\$8,624.00</b>	<u><b>\$6,824.00</b></u>

# TOWN OF KIMBALL

## SEWER FUND

REVENUE	CPA's #'s 2000-2001	CPA's #'s 2001-2002	CPA's #'s 2002-2003	BUDGETED 2003-2004	ESTIMATED 2003-2004	BUDGETED 2004-2005
<b>37210 Sewer Services Charges</b>	\$35,591.00	\$34,994.00	\$32,528.00	<b>\$35,000.00</b>	\$41,104.00	<u><b>\$35,000.00</b></u>
<b>36100 Interest Earnings</b>	\$890.00	\$803.00	\$430.00	<b>\$500.00</b>	\$520.00	<u><b>\$500.00</b></u>
<b>37296 Sewer Tap Fees</b>	\$1,000.00	\$0.00	\$0.00	<b>\$0.00</b>	\$1,000.00	<u><b>\$3,000.00</b></u>
<b>37299 Grease Trap Fees</b>	\$6,900.00	\$6,600.00	\$6,900.00	<b>\$6,900.00</b>	\$7,500.00	<u><b>\$6,900.00</b></u>
<b>37990 Other Non-Operating Rev.</b>	\$1,000.00	\$1,453.00	\$1,272.00	<b>\$0.00</b>	\$0.00	<u><b>\$0.00</b></u>
<b>Total Revenues</b>	<b>\$45,381.00</b>	<b>\$43,850.00</b>	<b>\$41,130.00</b>	<b>\$42,400.00</b>	<b>\$50,124.00</b>	<b>\$45,400.00</b>

	<b>EXPENDITURES</b>	<b>CPA'S #'S 2000-2001</b>	<b>CPA's #'s 2001-2002</b>	<b>CPA's #'s 2002-2003</b>	<b>BUDGETED 2003-2004</b>	<b>ESTIMATED 2003-2004</b>	<b>BUDGETED 2004-2005</b>
<b>121</b>	<b>Salaries</b>	\$253.00	\$216.00	\$740.00	<b>\$600.00</b>	\$0.00	<u><b>\$1,000.00</b></u>
<b>235</b>	<b>Memberships, Registrations</b>	\$0.00	\$285.00	\$0.00	<b>\$285.00</b>	\$400.00	<u><b>\$400.00</b></u>
<b>241</b>	<b>Electric</b>	\$3,906.00	\$3,737.00	\$3,451.00	<b>\$3,000.00</b>	\$4,262.00	<u><b>\$5,400.00</b></u>
<b>260</b>	<b>Repairs</b>	\$5,213.00	\$1,132.00	\$75.00	<b>\$4,000.00</b>	\$3,140.00	<u><b>\$4,400.00</b></u>
<b>283</b>	<b>Out of town expense</b>	\$0.00	\$835.00	\$23.00	<b>\$200.00</b>	\$0.00	<u><b>\$200.00</b></u>
<b>290</b>	<b>Sewer Samples &amp; Prof. Ser.</b>	\$1,560.00	\$460.00	\$2,519.00	<b>\$2,400.00</b>	\$1,924.00	<u><b>\$2,400.00</b></u>
<b>340</b>	<b>Other Repairs &amp; Maints</b>	\$610.00	\$0.00	\$2,181.00	<b>\$1,200.00</b>	\$0.00	<u><b>\$1,200.00</b></u>
<b>540</b>	<b>Depreciation</b>	\$21,419.00	\$21,419.00	\$21,419.00	<b>\$21,795.00</b>	\$21,795.00	<u><b>\$21,795.00</b></u>
<b>555</b>	<b>Bank Service Charge</b>	\$0.00	\$10.00	\$0.00	<b>\$20.00</b>	\$11.00	<u><b>\$20.00</b></u>
<b>565</b>	<b>Permit Fee</b>	\$0.00	\$0.00	\$250.00	<b>\$250.00</b>	\$0.00	<u><b>\$250.00</b></u>
<b>630</b>	<b>Interest Expense</b>	\$9,519.00	\$9,383.00	\$9,127.00	<b>\$8,475.00</b>	\$8,475.00	<u><b>\$8,160.00</b></u>
<b>693</b>	<b>Bond Amortization Expense</b>	\$170.00	\$170.00	\$170.00	<b>\$175.00</b>	\$175.00	<u><b>\$175.00</b></u>
	<b>Total Expenditures</b>	<b>\$42,650.00</b>	<b>\$37,647.00</b>	<b>\$39,955.00</b>	<b>\$42,400.00</b>	<b>\$40,182.00</b>	<u><b>\$45,400.00</b></u>

**ORDINANCE NO. 159**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO INCLUDE A SIDE YARD SETBACK FOR CORNER LOTS THAT ABUT UPON A MAJOR THOROUGHFARE OR COLLECTOR ROAD WITHIN THE R-1, LOW DENSITY RESIDENTIAL DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and,

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1.** The amendment herein described shall be applicable to Chapter 4: ZONING DISTRICTS of the Official Zoning Ordinance of Kimball, Tennessee.

**Section 2.** Section 14-404 SPECIFIC DISTRICT REGULATIONS — R-1 Low Density Residential District, Dimensional Regulations, subsection 4c shall be deleted in its entirety and the following substituted in lieu thereof:

c. Side yard. The side yard shall be a minimum of 10 feet for one and two story structures, plus 5 additional feet of side yard for each additional story over 2.


If the side yard abuts a local street or cul-de-sac, the side yard setback shall be 20 feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be 25 feet.

**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

FIRST READING: October 7, 2004

SECOND READING: November 4, 2004

  
\_\_\_\_\_  
Mayor

ATTEST   
\_\_\_\_\_  
City Recorder

# ORDINANCE NO. 160

## ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE I TO INCREASE THE COMPENSATION OF THE ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, the Kimball Municipal Code Title 1, Chapter 1, Section 1-101 sets forth the compensation of the Aldermen of the Town of Kimball at \$400 per month;

**WHEREAS**, due to the extensive growth in the town, and the number of hours required by the Aldermen to perform their duties as a result of extra meetings and attention to numerous matters, the Board of Mayor and Aldermen feel that an increase in the pay of the Aldermen is proper; and

**WHEREAS**, the financial conditions of the Town of Kimball, Tennessee will not be substantially impacted by the increase in the monthly salaries; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that the Aldermen's salary should increase from the sum of \$400 per month to the sum of \$600 per month.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1.** Title 1, Chapter 1 of the Kimball Municipal Code shall be amended by the deleting the entire section and replacing it with the following:

**1-101. Compensation of mayor and aldermen.** The position of Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of twelve hundred fifty dollars (\$1,250.00) per month.

Each Alderman of the Town of Kimball shall receive compensation in the amount of six hundred dollars (\$600.00) per month.


The compensation for mayor and aldermen as mandated herein shall continue so long as the Town of Kimball shall remain in good financial standing. In the event it becomes necessary to layoff town employees due to financial difficulties, the compensation specified herein shall be suspended until such financial difficulties are resolved and the town has regained good financial standing. The determination of the financial standing of the town shall be made by the board of mayor and aldermen, and the compensation established herein shall not be effected by layoffs necessitated by lack of work.



SECTION 2. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable, and shall continue to be in full force and effect.

SECTION 3. This ordinance shall take effect from and after its final passage.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 6<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading	December 2, 2004
Public hearing	January 6, 2005
Passed on second reading	<u>January 6,</u> 2005

## ORDINANCE NO. 161

### AN ORDINANCE TO AMEND ORDINANCE 158 CONCERNING THE BUDGET FOR THE YEAR 2004-2005 FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, on the 1<sup>st</sup> day of July, 2004, as set forth an Ordinance 158, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2004-2005, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendment to the budget set forth as

<b>FUND</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>GENERAL FUND</b>			
<b>INCREASE REVENUE</b>			
36930 Sale of Notes	\$191,928.00	\$300,350.00	\$492,278.00
<b>DECREASE EXPENDITURE</b>			
41810 920 Building Improvements	\$200,000.00	-\$165,000.00	\$65,000.00
41810 930 Improvements other than Buildings	\$10,000.00	-\$5,000.00	\$5,000.00
41990 252 Legal Services	\$30,000.00	-\$5,000.00	\$25,000.00
41990 290 Other Contractual Services	\$170,000.00	-\$48,000.00	\$122,000.00
41990 310 Office Supplies and Materials	\$25,000.00	-\$13,000.00	\$12,000.00
41990 630 Interest	\$18,500.00	-\$7,000.00	\$11,500.00
<b>INCREASE EXPENDITURE</b>			
41810 245 Telephone	\$8,000.00	\$4,000.00	\$12,000.00
41810 265 Repair and Maintenance Grounds	\$9,000.00	\$1,000.00	\$10,000.00
41810 910 Land	\$0.00	\$375,000.00	\$375,000.00
41990 934 Water and Sewer Line Improvements	\$300,000.00	\$83,000.00	\$383,000.00

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**Section 1:** That Ordinance 158 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby

adopted, along with Ordinance 158, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2004-2005.

**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 5<sup>th</sup> day of May, 2005.

  
\_\_\_\_\_  
David Jackson, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia Moss, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston, Attorney

Passed on First Reading April 7 7, 2005.

Passed on Second Reading May 5, 2005.

## **ORDINANCE NO. 162**

### **ORDINANCE TO AMEND TITLE 9 CHAPTER 1 OF THE KIMBALL MUNICIPAL CODE TO REGULATE TEMPORARY VENDORS AND/OR FRUIT STANDS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, under Title 9, Chapter 1 of the Kimball Municipal Code, fruit stands within the Town of Kimball, Tennessee, are required to pay \$15.00 dollars and receive a permit from the Town Recorder; and

**WHEREAS**, a number of other temporary vendor type activities have developed over the years that are treated differently under the Tennessee Business Tax Act as described by the Legislature of the State of Tennessee; and

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have decided it is in the best interest of the town that all vendors be treated the same regardless of the nature of the items being sold; and

**WHEREAS**, the Board of Mayor and Aldermen have decided that fruit and/or vegetable stands should be treated as all other vendors under the Tennessee Business Tax Act codified at T.C.A. §67-4-701, et. seq.,

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** Title 9, Chapter 1 of the Kimball Municipal Code shall be deleted in its entirety and be replaced with the following:

**9-101. Transient Vendor.** “Transient Vendor” means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell merchandise to the public. For purposes of this section, “merchandise” means any consumer item that is or is represented to be new or not previously owned by a consumer, and “temporary premises” means any public or quasi-public place, including a hotel, rooming house, store room, building or part of a building, tent, vacant lot, railroad car or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at that premises for more than six consecutive months or has occupied the premises at the person’s permanent residence for more than six consecutive months.

**9-102.** Transient Vendors shall pay a tax of \$50.00 for each 14 day period in which such vendors sell or offer to sell merchandise or for which they are issued a business license. Such tax shall be paid prior to the first day of engaging in the business, and the vendor

shall not be liable for taxation based on the gross income of the transient vendor.

**9-103.** It shall be the duty of the Town Recorder to issue all business licenses set forth in other provisions of the Kimball Municipal Code and/or State regulations.

**9-104.** Permits issued under this chapter may be revoked at any time by the Board of Mayor and Aldermen.


**9-105.** Permits must be exhibited upon request of any town official or police officer.

**9-106.** Failure to acquire and/or display the appropriate business license will subject the vendor to a fine of \$50.00 for each day of operation without said license.

**SECTION 2:** Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 3:** This Ordinance shall take effect upon and after its final passage.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 3<sup>rd</sup> day of March, 2005.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia Moss, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading      March 3, 2005

Public hearing                April 7, 2005

Passed on second reading    April 7, 2005

**ORDINANCE NO. 163**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133, PARCEL 127)**

- WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Business District, as indicated by the attached map dated May 2005 and further described in Section 2.


**Section 2** BEGINNING at a point said point being the southwestern corner of Parcel 127, Marion County Tax Map 133, and being further described as lying in the northern right-of-way of Interstate 24, thence in a generally northerly direction following the western property line of said Parcel 127, and the eastern property line of Parcel 127.02 for a distance of approximately 1,380 feet to a point, said point being the northwestern corner of said Parcel 127, thence in a generally easterly direction following the northern property line of said Parcel 127 for a distance of approximately 440 feet to a point, said point being the northeastern most corner of said Parcel 127, thence in a generally southerly direction following the eastern property line of said Parcel 127 for a distance of approximately 1,050 feet to a point, said point being the southeastern corner of said Parcel 127, and being further described as lying in the northern right-of-way of Interstate 24, thence in a generally westerly direction following the northern right-of-way of Interstate 24 and southern property line of said Parcel 127 for a distance of approximately 740 feet to the point of beginning.

**Section 3** The attached map, dated May 2005 further illustrates the area being zoned in Kimball, Tennessee.

**Section 4**    **THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** May 19, 2005

**SECOND READING:** June 10, 2005

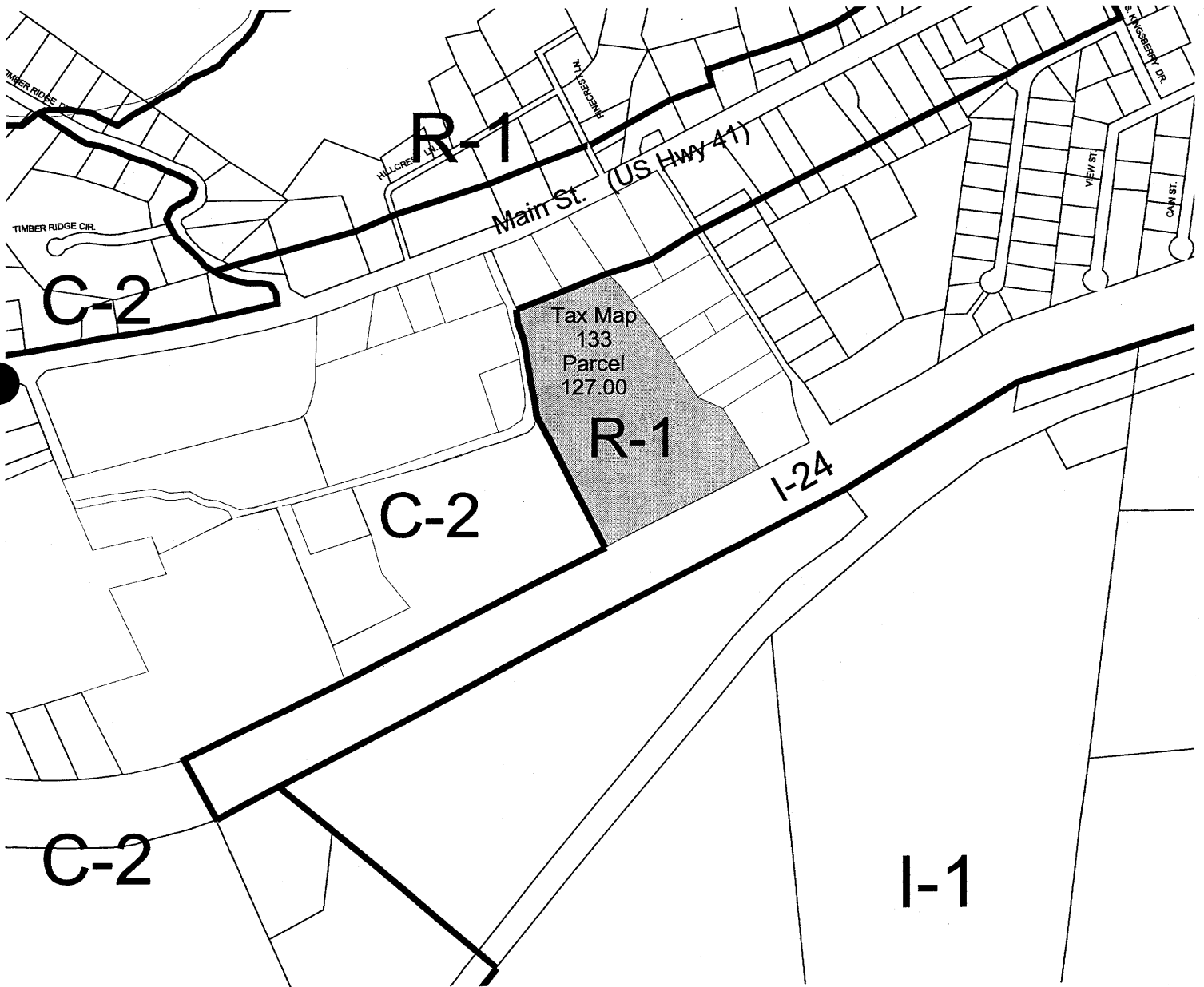
  
\_\_\_\_\_  
Mayor

**ATTEST** Joniah W. Fay  
Town Recorder

# Kimball, Tennessee

## Proposed Rezoning from R-1 to C-2

May 2005



 Subject Area

Local Planning Assistance Office  
Chattanooga, Tennessee



## **ORDINANCE NO. 164**

### **ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE I TO INCREASE THE COMPENSATION OF THE MAYOR OF THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, the Kimball Municipal Code Title 1, Chapter 1, Section 1-101 sets forth the compensation of the Mayor of the Town of Kimball at \$1,250 per month; and

**WHEREAS**, due to the extensive growth in the town, and the number of hours required by the Mayor to perform his duties as a result of extra meetings and attention to numerous matters, the Board of Mayor and Aldermen feels that an increase in the pay of the Mayor is proper; and

**WHEREAS**, the financial conditions of the Town of Kimball, Tennessee will not be substantially impacted by the increase in the monthly salaries; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that the Mayor's salary should increase from the sum of \$1,250 per month to the sum of \$1,450 per month.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1.** Title 1 of the Kimball Municipal Code shall be amended by the deleting the entire section and replacing it with the following:

**1-101. Compensation of mayor and aldermen.** The position of Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of twelve hundred fifty dollars (\$1,450.00) per month.

Each Alderman of the Town of Kimball shall receive compensation in the amount of six hundred dollars (\$600.00) per month.

The compensation for mayor and aldermen as mandated herein shall continue so long as the Town of Kimball shall remain in good financial standing. In the event it becomes necessary to layoff town employees due to financial difficulties, the compensation specified herein shall be suspended until such financial difficulties are resolved and the town has regained good financial standing. The determination of the financial standing of the town shall be made by the board of mayor and aldermen, and the compensation established herein shall not be effected by layoffs necessitated by lack of work.

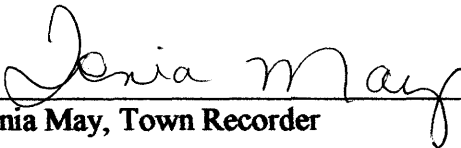
SECTION 2. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable, and shall continue to be in full force and effect.

SECTION 3. This ordinance shall take effect from and after its final passage.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 30<sup>th</sup> day of June, 2005.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading      June 2, 2005  
Public hearing                June 30, 2005  
Passed on second reading    June 30, 2005

## ORDINANCE NO. 165

### AN ORDINANCE TO AMEND ORDINANCE NOS. 158 AND 161 CONCERNING THE BUDGET FOR THE YEAR 2004-2005 FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, on the 1<sup>st</sup> day of July, 2004, as set forth in Ordinance 158, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, Ordinance Number 161, which was approved by the board of Mayor and Aldermen on May 5, 2005, amended Ordinance 158 for the reasons set forth therein; and

**WHEREAS**, as a result of the preliminary audit performed by the Town's accountant, it was determined that certain expenditures had been applied to the wrong line items set force in the original budget and that a new ordinance should be adopted that replaces, in its entirety, Ordinance 161 and amends Ordinance 158 to correctly show all revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2004-2005, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendments to the budget set forth as

<b>FUND</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>GENERAL FUND</b>			
<b>INCREASE REVENUE</b>			
31610 Local Sales Tax	\$975,000.00	\$11,000.00	\$986,000.00
36930 Sale of Notes	\$191,928.00	\$300,500.00	\$492,428.00
<b>DECREASE EXPENDITURE</b>			
41810 920 Building Improvements	\$200,000.00	-\$197,000.00	\$3,000.00
41990 252 Legal Services	\$30,000.00	-\$5,000.00	\$25,000.00
41990 310 Office Supplies and Materials	\$25,000.00	-\$13,000.00	\$12,000.00
41990 630 Interest	\$18,500.00	-\$7,000.00	\$11,500.00
<b>INCREASE EXPENDITURE</b>			
41810 245 Telephone	\$8,000.00	\$4,000.00	\$12,000.00
41810 265 Repair and Maintenance Grounds	\$9,000.00	\$2,500.00	\$11,500.00
41810 910 Land	\$0.00	\$375,000.00	\$375,000.00
41990 621 Principal Payment	\$58,300.00	\$69,000.00	\$127,300.00
41990 934 Water and Sewer Line Improvements	\$300,000.00	\$83,000.00	\$383,000.00

**STATE STREET AID FUND**

**INCREASE REVENUES**

33551 State Gasoline Tax	\$35,000.00	\$600.00	\$35,600.00
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**INCREASE EXPENDITURES**

43100 247	\$35,300.00	\$600.00	\$35,900.00
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**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**Section 1:** That Ordinance 158 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 158, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2004-2005.

**Section 2:** That Ordinance 161 should be deleted in its entirety.

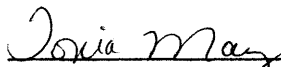
**Section 3:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 4:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.


PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 30<sup>th</sup> day of June, 2005.

  
David Jackson, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading June 10, 2005.

Passed on Second Reading June 30, 2005.

**ORDINANCE NO. 166**

**AN ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2005-2006**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2005-2006.

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

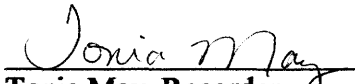
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

- SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2005-2006.
- SECTION 2:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.
- SECTION 3:** That this ordinance shall take effect and be in force from and after July 1, 2005, the public welfare of the Town of Kimball requiring it.

**PASSED AND APPROVED** by the Mayor and Board of Aldermen on the second and final reading on the 30<sup>th</sup> day of June, 2005.

  
David Jackson, Mayor

**ATTEST:**

  
Tonia May, Recorder

**APPROVED AS TO FORM:**

  
Kevin L. Featherston, Attorney

Passed on First Reading June 10, 2005.

Passed on Second Reading June 30, 2005.

**TOWN OF KIMBALL  
GENERAL FUND**

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
31110	Real and Personal Property Tax		\$34,634	\$36,699	\$37,210	\$36,000	\$40,136	\$40,000	\$38,050.00
31211	Property Tax Delinquent 1st Year		\$0	\$1,237	\$1,313	\$1,200	\$1,268	\$1,200	\$1,200.00
31219	Property Tax Delinquent Other Prior Years		\$321	\$264	\$212	\$250	\$263	\$250	\$250.00
31320	Interest and Penalty on Property Taxes		\$1,008	\$350	\$334	\$300	\$279	\$280	\$300.00
31610	Local Sales Tax – Co. Trustee		\$1,072,311	\$1,057,295	\$1,116,033	\$986,000	\$1,128,737	\$1,200,000	\$1,000,000.00
31710	Wholesale Beer Tax		\$87,968	\$85,821	\$83,501	\$82,000	\$81,805	\$87,000	\$82,000.00
31820	Gross Receipt Tax (BUSINESS LICENSE)		\$93,256	\$99,276	\$103,883	\$90,000	\$102,754	\$102,000	\$90,000.00
31912	Cable TV Franchise Tax		\$2,099	\$2,099	\$2,465	\$2,200	\$2,324	\$2,300	\$2,200.00
31920	Room Occupancy Tax		\$131,079	\$135,759	\$155,713	\$113,000	\$134,384	\$140,000	\$115,800.00
<b>SUB TOTAL - LOCAL TAXES</b>			\$1,422,676	\$1,418,800	\$1,500,664	\$1,310,950	\$1,491,950	\$1,573,030	\$1,329,800.00

<b>Fund Balance - Beginning of year</b>	\$693,996	\$1,058,037	\$1,444,155	\$1,566,612	\$1,566,612	\$1,566,612	\$1,208,900.00
<b>Fund Balance - End of year</b>	\$1,058,037	\$1,444,155	\$1,566,612	\$793,645	\$1,272,049	\$1,208,900	\$531,900.00

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2006	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>32210</b>	<b>Beer Licenses</b>		\$1,600	\$1,350	\$1,450	<b>\$1,500</b>	\$1,700	\$1,700	<b>\$1,500.00</b>
<b>32610</b>	<b>Building Permits</b>		\$9,718	\$7,677	\$14,690	<b>\$9,000</b>	\$8,808	\$9,000	<b>\$9,000.00</b>
<b>32611</b>	<b>Ambulance Rent</b>		\$2,750	\$3,500	\$2,750	<b>\$3,000</b>	\$2,750	\$3,000	<b>\$3,000.00</b>
<b>32612</b>	<b>911 Rent</b>		\$9,817	\$9,817	\$9,817	<b>\$9,817</b>	\$4,672	\$4,800	<b>\$2,400.00</b>
<b>32710</b>	<b>Sign Permits</b>		\$650	\$319	\$3,929	<b>\$600</b>	\$1,605	\$1,600	<b>\$1,000.00</b>
	<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>		\$24,535	\$22,663	\$32,636	<b>\$23,917</b>	\$19,535	\$20,100	<b>\$16,900.00</b>
<b>33110</b>	<b>Community Block Grant - Water Tank</b>		\$0	\$209,902	\$0	<b>\$0</b>	\$0	\$0	<b>\$0.00</b>
<b>33400</b>	<b>State Grants - Interstate Lights &amp; Fire Grant</b>		\$0	\$75,780	\$2,307	<b>\$0</b>	\$0	\$0	<b>\$0.00</b>
<b>33501</b>	<b>Telecommunications</b>		\$203	\$0	\$227	<b>\$182</b>	\$196	\$208	<b>\$200.00</b>
<b>33320</b>	<b>TVA Payments in Lieu of Taxes</b>		\$8,795	\$8,544	\$8,664	<b>\$8,000</b>	\$6,969	\$8,000	<b>\$8,000.00</b>
<b>33510</b>	<b>State Sales Tax</b>		\$78,825	\$79,258	\$76,853	<b>\$75,000</b>	\$72,282	\$78,000	<b>\$75,000.00</b>
<b>33520</b>	<b>State Income Tax</b>		\$710	\$47	\$1,547	<b>\$1,000</b>	\$490	\$490	<b>\$1,000.00</b>
<b>33530</b>	<b>State Beer Tax</b>		\$641	\$682	\$651	<b>\$600</b>	\$643	\$640	<b>\$600.00</b>
<b>33552</b>	<b>State-City Streets and Transport</b>		\$3,025	\$2,992	\$2,969	<b>\$2,500</b>	\$2,709	\$2,900	<b>\$2,500.00</b>
<b>33559</b>	<b>State- Police-Supplement Pay</b>		\$3,920	\$4,200	\$3,822	<b>\$3,780</b>	\$0	\$4,000	<b>\$4,800.00</b>
	<b>SUB TOTAL - STATE TAXES</b>		\$96,119	\$381,405	\$97,040	<b>\$91,062</b>	\$83,289	\$94,238	<b>\$92,100.00</b>

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA#	CPA #	CPA #	BUDGET & AMENDMENT	ACTUALS TO	Estimated	Budget
			2001-2002	2002-2003	2003-2004	2004-2005	6/01/2005	6/30/2005	2005-2006
<b>34121</b>	<b>Clerks' Fees – Business Tax</b>		\$540	\$570	\$610	<b>\$500</b>	<b>\$609</b>	<b>\$610</b>	<b>\$500.00</b>
<b>34240</b>	<b>Accident Report Charges</b>		\$906	\$965	\$1,010	<b>\$800</b>	<b>\$662</b>	<b>\$660</b>	<b>\$800.00</b>
<b>34400</b>	<b>Sanitation – Charges for Service</b>		\$8,440	\$7,929	\$7,401	<b>\$6,800</b>	<b>\$5,651</b>	<b>\$5,650</b>	<b>\$6,000.00</b>
	<b>SUB TOTAL - FEES</b>		<b>\$9,886</b>	<b>\$9,464</b>	<b>\$9,021</b>	<b>\$8,100</b>	<b>\$6,922</b>	<b>\$6,920</b>	<b>\$7,300.00</b>
<b>35110</b>	<b>City Court Fines and Costs</b>		\$17,096	\$18,925	\$22,422	<b>\$18,000</b>	<b>\$24,300</b>	<b>\$24,300</b>	<b>\$20,000.00</b>
<b>36100</b>	<b>Interest Earnings</b>		\$20,521	\$21,363	\$18,673	<b>\$16,000</b>	<b>\$13,301</b>	<b>\$15,000</b>	<b>\$16,000.00</b>
<b>36220</b>	<b>Lease of Property - Powertel &amp; Signal One</b>		\$6,000	\$6,450	\$6,900	<b>\$6,450</b>	<b>\$6,900</b>	<b>\$6,900</b>	<b>\$8,900.00</b>
<b>36330</b>	<b>Sale of Equipment - Police Cars &amp; land CHIPPER</b>		\$7,779	\$754	\$0	<b>\$15,000</b>	<b>\$14,451</b>	<b>\$14,450</b>	<b>\$0.00</b>
<b>36512</b>	<b>Sale of Gasoline</b>		\$64	\$0	\$0	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0.00</b>
<b>36600</b>	<b>Concessions</b>		\$0	\$0	\$0	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,000.00</b>
<b>36710</b>	<b>Contributions and Donations - Fire Dept</b>		\$0	\$750	\$125	<b>\$0</b>	<b>\$320</b>	<b>\$320</b>	<b>\$0.00</b>
<b>36990</b>	<b>Miscellaneous</b>		\$30,247	\$1,784	\$8,802	<b>\$3,000</b>	<b>\$7,547</b>	<b>\$7,500</b>	<b>\$3,000.00</b>
<b>36930</b>	<b>Sale of Notes</b>		\$0	\$0	\$0	<b>\$492,428</b>	<b>\$492,278</b>	<b>\$492,280</b>	<b>\$0.00</b>
	<b>SUB TOTAL - OTHER REVENUES</b>		<b>\$81,707</b>	<b>\$50,026</b>	<b>\$57,122</b>	<b>\$550,878</b>	<b>\$559,097</b>	<b>\$560,750</b>	<b>\$50,900.00</b>
	<b>Total Revenues</b>		<b>\$1,634,923</b>	<b>\$1,882,358</b>	<b>\$1,696,483</b>	<b>\$1,984,907</b>	<b>\$2,160,793</b>	<b>\$2,255,038</b>	<b>\$1,497,000.00</b>



EXPENDITURES

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2006	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>41310</b>							
<b>161 Wages – Mayor</b>	\$15,000	\$13,750	\$15,000	<b>\$15,000</b>	\$15,000.00	\$15,000.00	<b>\$17,400.00</b>
<b>41510 City Recorder/Clerk</b>							
<b>111 City Recorder Wages</b>	\$29,443	\$32,500	\$34,500	<b>\$38,000</b>	\$35,077.00	\$38,000.00	<b>\$39,500.00</b>
<b>120 City Clerk Wages</b>	\$26,064	\$26,000	\$27,000	<b>\$29,500</b>	\$28,235.00	\$29,500.00	<b>\$31,000.00</b>
<b>121 Receptionist</b>	\$0	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$21,000.00</b>
<b>124 Part time Employees</b>	\$0	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$2,000.00</b>
<b>134 Vacation/Bonus Pay</b>	\$0	\$471	\$2,339	<b>\$1,000</b>	\$700.00	\$700.00	<b>\$2,000.00</b>
<b>41650 Personnel Administration</b>							
<b>161 Board/Administration Wages</b>	\$19,200	\$20,050	\$19,600	<b>\$24,000</b>	\$23,200.00	\$23,200.00	<b>\$28,800.00</b>
<b>167 Building Inspector</b>	\$0	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$10,000.00</b>
<b>SUBTOTAL</b>	\$89,707	\$92,771	\$98,439	<b>\$107,500</b>	\$102,212	\$106,400	<b>\$151,700.00</b>

## GENERAL FUND 5

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2006	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>41810 City Hall Building</b>							
<b>241 Electric</b>	\$11,344	\$10,912	\$13,620	<b>\$15,000</b>	\$14,303.00	\$15,300.00	<b>\$15,000.00</b>
<b>242 Water</b>	\$540	\$1,060	\$812	<b>\$850</b>	\$840.00	\$950.00	<b>\$1,000.00</b>
<b>244 Gas</b>	\$5,623	\$7,602	\$7,331	<b>\$8,500</b>	\$6,550.00	\$7,150.00	<b>\$8,500.00</b>
<b>245 Telephone and Telegraph</b>	\$8,060	\$7,708	\$6,625	<b>\$12,000</b>	\$10,110.00	\$11,000.00	<b>\$12,000.00</b>
<b>265 Repair and Maintenance Grounds</b>	\$8,560	\$3,560	\$15,360	<b>\$11,500</b>	\$11,446.00	\$11,500.00	<b>\$10,100.00</b>
<b>321 Agriculture &amp; Horticultures</b>	\$150	\$278	\$1,078	<b>\$400</b>	\$239.00	\$240.00	<b>\$400.00</b>
<b>910 LAND</b>	\$0	\$0	\$0	<b>\$375,000</b>	\$375,000.00	\$375,000.00	<b>\$0.00</b>
<b>920 Building improvements</b>	\$0	\$0	\$10,419	<b>\$3,000</b>	\$2,668.00	\$2,700.00	<b>\$200,000.00</b>
<b>930 Improvements other than buildings</b>	\$0	\$0	\$65,689	<b>\$10,000</b>	\$8,059.00	\$8,060.00	<b>\$10,000.00</b>
<b>SUBTOTAL – CITY HALL BUILDING</b>	\$34,277	\$31,120	\$120,934	<b>\$436,250</b>	\$429,215	\$431,900	<b>\$257,000.00</b>

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2006	ACTUALS TO 6/01/2005	Estimated 8/30/2005	Budget 2005-2006
<b>41990 Other General Government Expenses</b>							
<b>142 Hospital and Health Insurance</b>	\$84,740	\$102,430	\$111,590	<b>\$145,000</b>	\$139,723.00	\$140,000.00	<b>\$155,000.00</b>
<b>143 Retirement – Current</b>	\$10,284	\$11,722	\$27,019	<b>\$33,567</b>	\$30,144.00	\$32,800.00	<b>\$35,000.00</b>
<b>149 Other Employer Contributions</b>	\$35,481	\$35,573	\$39,132	<b>\$45,000</b>	\$38,490.00	\$42,000.00	<b>\$48,000.00</b>
<b>166 Judge</b>	\$4,400	\$4,800	\$4,800	<b>\$4,800</b>	\$4,400.00	\$4,800.00	<b>\$4,800.00</b>
<b>167 Building Inspector</b>	\$7,200	\$7,200	\$7,200	<b>\$9,800</b>	\$9,600.00	\$9,600.00	<b>\$0.00</b>
<b>190 Other Personal Services - Flowers</b>	\$155	\$508	\$533	<b>\$500</b>	\$504.00	\$504.00	<b>\$500.00</b>
<b>211 Postage, Box Rent, Ect.</b>	\$303	\$1,346	\$1,462	<b>\$2,500</b>	\$1,466.00	\$1,800.00	<b>\$2,000.00</b>
<b>213 Automotive License and Title</b>	\$15	\$15	\$17	<b>\$120</b>	\$136.00	\$140.00	<b>\$100.00</b>
<b>219 Other Communication and Transportation</b>	\$24	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>220 Printing, Duplicate, Ect.</b>	\$922	\$1,373	\$972	<b>\$1,500</b>	\$1,271.00	\$1,500.00	<b>\$1,500.00</b>
<b>231 Publication of Formal and Legal Notices</b>	\$4,176	\$2,450	\$2,918	<b>\$4,000</b>	\$2,171.00	\$3,000.00	<b>\$4,000.00</b>
<b>235 Memberships, Registration Fees, and Tuition</b>	\$7,079	\$410	\$7,258	<b>\$7,500</b>	\$9,233.00	\$9,300.00	<b>\$10,000.00</b>
<b>236 Public Relations</b>	\$12,150	\$3,820	\$11,075	<b>\$7,500</b>	\$5,935.00	\$6,800.00	<b>\$7,500.00</b>
<b>St. Jude - \$800</b>							
<b>Lions Club - \$800</b>							
<b>Marion Co. Fair \$800</b>							
<b>SPHS \$500</b>							
<b>Shriners - \$600</b>							
<b>Alzheimer's \$800</b>							
<b>Cancer \$800</b>							
<b>WMS \$1000</b>							
<b>RHMS \$500</b>							
<b>Seige of Bridgeport \$250</b>							
<b>Scholarships \$200</b>							
<b>JES \$500</b>							
<b>MC Sheriff Step for Kids \$250</b>							
<b>238 Scholarships</b>	\$0	\$0	\$4,000	<b>\$4,000</b>	\$0.00	\$0.00	<b>\$4,000.00</b>
<b>239 Other Publicity</b>	\$752	\$507	\$274	<b>\$1,000</b>	\$421.00	\$600.00	<b>\$1,000.00</b>
<b>245 Telephone and Telegraph – Cell Phones</b>	\$745	\$870	\$698	<b>\$800</b>	\$1,045.00	\$1,110.00	<b>\$800.00</b>
<b>246 Fire Hydrant Rental</b>	\$8,400	\$8,400	\$9,400	<b>\$11,000</b>	\$0.00	\$11,000.00	<b>\$11,000.00</b>
<b>249 Other Utility Services – Pest Control</b>	\$780	\$780	\$780	<b>\$780</b>	\$715.00	\$780.00	<b>\$800.00</b>
<b>252 Legal Services</b>	\$21,833	\$22,758	\$33,160	<b>\$25,000</b>	\$19,903.00	\$25,000.00	<b>\$25,000.00</b>
<b>253 Accounting and Auditing Services</b>	\$11,963	\$9,477	\$15,178	<b>\$15,500</b>	\$9,995.00	\$12,000.00	<b>\$18,000.00</b>
<b>255 Data Processing Services – Computer</b>	\$8,169	\$9,190	\$16,685	<b>\$16,000</b>	\$15,863.00	\$16,400.00	<b>\$16,000.00</b>
<b>257 Tennessee State Planning Office Services</b>	\$4,000	\$4,000	\$4,000	<b>\$4,500</b>	\$4,500.00	\$4,500.00	<b>\$4,500.00</b>

## GENERAL FUND 7

<b>259 Other Prof Services (Janitorial,Survey,Engineer</b>	\$17,369	\$7,449	\$15,155	<b>\$30,000</b>	\$30,000.00	\$30,000.00	<b>\$30,000.00</b>
<b>269 Repair and Maintenance Other Repair and Ma</b>	\$354	\$29	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>283 Out of Town Expense</b>	\$2,304	\$999	\$1,782	<b>\$3,200</b>	\$2,085.00	\$2,500.00	<b>\$3,200.00</b>
<b>287 Kimball Fireworks Festival</b>	\$0	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$70,000.00</b>
<b>288 Concessions</b>	\$0	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$3,000.00</b>
<b>290 Other Contractual Services</b>	\$151,082	\$165,249	\$139,860	<b>\$170,000</b>	\$130,688.00	\$167,000.00	<b>\$75,000.00</b>
<b>310 Office Supplies and Materials</b>	\$4,639	\$7,769	\$25,484	<b>\$12,000</b>	\$5,317.00	\$12,000.00	<b>\$20,000.00</b>
<b>313 FLAGS</b>	\$1,801	\$194	\$181	<b>\$500</b>	\$60.00	\$200.00	<b>\$500.00</b>
<b>322 Chemical, Lab, Medical</b>	\$100	\$90	\$0	<b>\$200</b>	\$158.00	\$160.00	<b>\$200.00</b>
<b>323 Food - Christmas Dinner/Hams/Turkeys</b>	\$3,212	\$1,399	\$7,756	<b>\$8,000</b>	\$9,142.00	\$9,200.00	<b>\$10,000.00</b>
<b>324 Household and Janitorial Supplies</b>	\$1,939	\$1,877	\$1,019	<b>\$2,300</b>	\$2,273.00	\$2,300.00	<b>\$2,300.00</b>
<b>329 Other Operating Supplies</b>	\$783	\$1,057	\$14,897	<b>\$2,000</b>	\$1,482.00	\$2,000.00	<b>\$2,000.00</b>
<b>331 Gas, Oil, Diesel Fuel, Grease, Ect.</b>	\$12,244	\$16,219	\$19,073	<b>\$30,000</b>	\$21,329.00	\$27,000.00	<b>\$30,000.00</b>
<b>511 Insurance on Buildings</b>	\$19,497	\$26,050	\$37,493	<b>\$40,000</b>	\$40,000.00	\$40,000.00	<b>\$40,000.00</b>
<b>514 Surety bonds</b>	\$1,126	\$1,251	\$1,201	<b>\$1,500</b>	\$1,201.00	\$120.00	<b>\$1,700.00</b>
<b>515 Workers Compensation Ins.</b>	\$25,534	\$31,050	\$28,210	<b>\$32,000</b>	\$32,868.00	\$32,870.00	<b>\$32,500.00</b>
<b>520 Property Ins.</b>	\$5,000	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>522 Vehicle Ins.</b>	\$14,000	\$14,532	\$7,098	<b>\$15,000</b>	\$7,029.00	\$7,030.00	<b>\$10,000.00</b>
<b>551 TRUSTEE FEES</b>	\$0	\$0	\$0	<b>\$0</b>	\$417.00	\$420.00	<b>\$0.00</b>
<b>555 Bank Charges - overdrawn,checks,deposit slips</b>	\$65	\$72	\$20	<b>\$100</b>	\$23.00	\$30.00	<b>\$100.00</b>
<b>569 Litigation Tax</b>	\$649	\$784	\$982	<b>\$2,000</b>	\$1,185.00	\$1,500.00	<b>\$2,000.00</b>
<b>594 Retirement - Administrative cost</b>	\$2,923	\$1,885	\$2,162	<b>\$3,000</b>	\$730.00	\$730.00	<b>\$0.00</b>
<b>621 Debt Service Principle (Lease Police Car Payments &amp;</b>	\$39,869	\$4,406	\$4,711	<b>\$127,300</b>	\$127,014.00	\$127,020.00	<b>\$162,100.00</b>
<b>630 Interest (lease car &amp; land)</b>	\$7,544	\$6,230	\$5,106	<b>\$11,500</b>	\$3,308.00	\$3,310.00	<b>\$12,900.00</b>
<b>770 Grants - Water tank and Interstate Lights</b>	\$0	\$290,531	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>930 Improvements (Christmas)</b>	\$77,369	\$15,162	\$1,696	<b>\$5,000</b>	\$4,574.00	\$4,580.00	<b>\$5,000.00</b>
<b>934 Water and sewer line improvements</b>	\$13,162	\$0	\$0	<b>\$383,000</b>	\$385,431.00	\$385,430.00	<b>\$0.00</b>
<b>937 PARKS AND RECREATION</b>	\$2,100	\$2,000	\$4,382	<b>\$5,000</b>	\$3,759.00	\$3,760.00	<b>\$5,000.00</b>
<b>Subtotal - Other General Expenses</b>	<b>\$628,236</b>	<b>\$823,913</b>	<b>\$616,419</b>	<b>\$1,223,767</b>	<b>\$1,105,588</b>	<b>\$1,182,794</b>	<b>\$867,000.00</b>

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>42100 Police</b>							
<b>111 Chief - Wages</b>	\$41,961	\$46,095	\$43,500	<b>\$44,000</b>	\$39,241.00	\$42,400.00	<b>\$42,500.00</b>
<b>121 Patrolmen - Wages</b>	\$209,219	\$217,748	\$220,476	<b>\$246,928</b>	\$221,319.00	\$242,000.00	<b>\$268,200.00</b>
<b>123 OVERTIME</b>	\$0	\$0	\$35,704	<b>\$42,138</b>	\$26,781.00	\$30,000.00	<b>\$30,000.00</b>
<b>134 CHRISTMAS BONUS/SUPPLEMENT</b>	\$0	\$0	\$6,622	<b>\$8,550</b>	\$4,727.00	\$8,550.00	<b>\$8,500.00</b>
<b>219 Other Communication and Transportation</b>	\$244	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>220 Printing, Duplicating, Ect.</b>	\$1,009	\$336	\$475	<b>\$700</b>	\$611.00	\$700.00	<b>\$700.00</b>
<b>235 Memberships, Registration Fees and Tuition</b>	\$210	\$3,135	\$4,514	<b>\$6,500</b>	\$3,026.00	\$3,500.00	<b>\$4,000.00</b>
<b>245 Telephone - Cell phone</b>	\$2,537	\$1,668	\$2,259	<b>\$2,400</b>	\$933.00	\$1,000.00	<b>\$1,000.00</b>
<b>261 Repair and Maintenance Motor Vehicle</b>	\$1,367	\$9,185	\$7,882	<b>\$7,000</b>	\$8,678.00	\$8,680.00	<b>\$5,000.00</b>
<b>262 Repair &amp; Maint. Other Machinery</b>	\$163	\$855	\$241	<b>\$700</b>	\$447.00	\$500.00	<b>\$700.00</b>
<b>283 Out of Town Expense</b>	\$1,526	\$484	\$3,189	<b>\$4,000</b>	\$1,592.00	\$2,500.00	<b>\$2,000.00</b>
<b>290 Other Contractual Services</b>	\$89	\$49	\$263	<b>\$500</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>310 Office Supplies and Materials</b>	\$884	\$1,041	\$1,573	<b>\$1,200</b>	\$1,018.00	\$1,200.00	<b>\$1,200.00</b>
<b>320 Operating Supplies</b>	\$773	\$16,632	\$14,757	<b>\$20,000</b>	\$26,461.00	\$27,000.00	<b>\$15,000.00</b>
<b>322 Chemical, Lab, Medical</b>	\$425	\$0	\$525	<b>\$800</b>	\$961.00	\$960.00	<b>\$800.00</b>
<b>323 Food</b>	\$124	\$28	\$393	<b>\$1,250</b>	\$217.00	\$220.00	<b>\$1,000.00</b>
<b>324 Janitorial Supplies</b>	\$0	\$0	\$0	<b>\$0</b>	\$77.00	\$200.00	<b>\$0.00</b>
<b>326 Clothing and Uniforms</b>	\$5,584	\$3,379	\$8,643	<b>\$6,500</b>	\$6,317.00	\$6,500.00	<b>\$6,000.00</b>
<b>327 Fire Arms Supplies</b>	\$188	\$295	\$8	<b>\$500</b>	\$360.00	\$360.00	<b>\$500.00</b>
<b>329 Other Operating Supplies</b>	\$2,332	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>331 Gas, Oil, Diesel fuel, Grease</b>	\$687	\$679	\$988	<b>\$1,250</b>	\$909.00	\$1,250.00	<b>\$1,200.00</b>
<b>332 Motor Vehicle Parts</b>	\$723	\$805	\$98	<b>\$500</b>	\$169.00	\$200.00	<b>\$500.00</b>
<b>334 Tires, Tubes and Ect</b>	\$2,403	\$2,833	\$2,474	<b>\$3,200</b>	\$1,223.00	\$1,500.00	<b>\$3,200.00</b>
<b>940 Cars / EQUIPMENT</b>	\$0	\$32,000	\$23,328	<b>\$203,522</b>	\$203,428.00	\$203,430.00	<b>\$0.00</b>
<b>SUB TOTAL - POLICE</b>	<b>\$272,448</b>	<b>\$337,247</b>	<b>\$377,912</b>	<b>\$602,138</b>	<b>\$548,475</b>	<b>\$582,650</b>	<b>\$392,000.00</b>

				GENERAL FUND 9			
	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>42200 Fire Protection and Control</b>							
<b>121 Chief - Wages</b>	\$2,400	\$2,400	\$2,400	\$3,000	\$3,000.00	\$3,000.00	\$4,200.00
<b>162 Firemen - Wages</b>	\$1,445	\$1,720	\$1,380	\$2,000	\$0.00	\$1,800.00	\$2,400.00
<b>190 Other Personal Services – Flowers</b>	\$25	\$30	\$70	\$200	\$0.00	\$0.00	\$200.00
<b>212 Freight, Express,</b>	\$0	\$0	\$0	\$100	\$0.00	\$0.00	\$0.00
<b>235 Memberships, Registration Fees and Tuition</b>	\$430	\$250	\$233	\$550	\$300.00	\$300.00	\$500.00
<b>236 Public Relation Misc</b>	\$0	\$0	\$100	\$150	\$619.00	\$620.00	\$600.00
<b>260 Repair and Maintenance Services</b>	\$396	\$2,764	\$379	\$3,000	\$25.00	\$1,000.00	\$3,000.00
<b>261 Repair and Maintenance Vehicles</b>	\$821	\$0	\$237	\$3,000	\$299.00	\$1,000.00	\$3,000.00
<b>283 Out of Town Expense</b>	\$209	\$221	\$325	\$550	\$202.00	\$200.00	\$500.00
<b>287 Meals and Entertainment</b>	\$1,426	\$1,183	\$1,723	\$2,500	\$1,109.00	\$1,110.00	\$2,000.00
<b>319 Other Office Supplies</b>	\$0	\$0	\$0	\$100	\$96.00	\$100.00	\$100.00
<b>320 Operating Supplies</b>	\$1,468	\$9,032	\$6,732	\$10,000	\$8,982.00	\$10,000.00	\$10,000.00
<b>326 Clothing and Uniforms</b>	\$1,922	\$2,197	\$5,946	\$9,000	\$4,393.00	\$7,500.00	\$9,000.00
<b>331 Oil changes</b>	\$181	\$277	\$0	\$500	\$0.00	\$500.00	\$500.00
<b>332 Motor Vehicle Parts</b>	\$373	\$365	\$178	\$1,000	\$319.00	\$320.00	\$1,000.00
<b>511 General Liability Ins.</b>	\$1,682	\$1,726	\$656	\$3,000	\$2,581.00	\$2,580.00	\$3,000.00
<b>920 Building</b>	\$16,551	\$0	\$0	\$0	\$0.00	\$0.00	\$0.00
<b>940 Tanker</b>	\$0	\$0	\$0	\$0	\$0.00	\$0.00	\$150,000.00
							Page 547
<b>SUB TOTAL- FIRE DEPARTMENT</b>	\$29,329	\$22,165	\$20,359	\$38,650	\$21,925	\$30,030	\$190,000.00

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>42300 Animal Control</b>							
<b>240 Utilities</b>	\$0	\$0	\$0	\$0	\$0.00	\$0.00	\$0.00
<b>259 Other Professional Service - Vet</b>	\$0	\$59	\$0	\$200	\$0.00	\$200.00	\$200.00
<b>260 Repair and Maint</b>	\$0	\$0	\$0	\$0	\$0.00	\$0.00	\$0.00
<b>320 Operating Supplies</b>	\$177	\$0	\$38	\$50	\$0.00	\$0.00	\$100.00
<b>530 Rent</b>	\$0	\$0	\$0	\$0	\$0.00	\$0.00	\$0.00
<b>SUB TOTAL - Animal Control</b>	\$177	\$59	\$38	\$250	\$0	\$200	\$300.00

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>42620 Rescue Squad</b>							
<b>219 Other Communication (PAGERS)</b>	\$0	\$0	\$1,200	<b>\$2,250</b>	\$1,935.00	\$1,940.00	<b>\$2,200.00</b>
<b>235 Memberships, Registration Fees</b>	\$270	\$100	\$280	<b>\$500</b>	\$200.00	\$200.00	<b>\$500.00</b>
<b>260 Repair and Maint Services</b>	\$0	\$0	\$0	<b>\$100</b>	\$0.00	\$0.00	<b>\$100.00</b>
<b>261 Repair and Maint Service Vehicles</b>	\$180	\$832	\$2,366	<b>\$2,000</b>	\$930.00	\$930.00	<b>\$2,000.00</b>
<b>310 Office Supplies and Materials</b>	\$0	\$100	\$0	<b>\$100</b>	\$42.00	\$50.00	<b>\$100.00</b>
<b>320 Operating Supplies</b>	\$4,445	\$4,073	\$4,205	<b>\$7,000</b>	\$813.00	\$2,500.00	<b>\$5,000.00</b>
<b>331 Oil changes</b>	\$0	\$22	\$0	<b>\$150</b>	\$0.00	\$150.00	<b>\$100.00</b>
<b>SUB TOTAL – RESCUE SQUAD</b>	\$4,895	\$5,127	\$8,051	<b>\$12,100</b>	\$3,920	\$5,770	<b>\$10,000.00</b>



	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 5/16/2005	Estimated 6/30/2005	Budget 2005-2006
<b>43100 Highways and Streets</b>							
111 Supervisor - Wages	\$14,618	\$16,174	\$15,950	\$16,775	\$16,223.00	\$16,775.00	\$17,600.00
121 Crew - Wages	\$52,744	\$58,093	\$55,465	\$64,328	\$56,452.00	\$63,650.00	\$62,700.00
123 OVERTIME	\$0	\$0	\$3,754	\$5,000	\$2,235.00	\$3,000.00	\$3,000.00
124 Temporary Wages	\$0	\$0	\$0	\$0	\$0.00	\$1,360.00	\$3,500.00
134 CHRISTMAS BONUS	\$0	\$0	\$1,100	\$1,100	\$963.00	\$963.00	\$1,000.00
235 Memberships, Registration Fees	\$0	\$110	\$0	\$0	\$0.00	\$0.00	\$0.00
236 Public Relation	\$500	\$500	\$600	\$600	\$600.00	\$600.00	\$600.00
245 TELEPHONE	\$0	\$0	\$0	\$0	\$715.00	\$800.00	\$800.00
247 Street Light Electricity	\$0	\$0	\$0	\$0	\$1,237.00	\$2,473.00	\$3,500.00
248 Traffic Light Electricity	\$0	\$0	\$0	\$3,000	\$1,746.00	\$2,000.00	\$2,000.00
260 Repair and Maintenance Traffic Light	\$0	\$0	\$0	\$1,000	\$843.00	\$900.00	\$1,000.00
261 Repair and Maintenance Motor Vehicle	\$1,801	\$538	\$4,871	\$3,000	\$1,260.00	\$1,500.00	\$3,000.00
262 repair and Maintenance other machinery	\$600	\$553	\$2,098	\$2,500	\$1,715.00	\$2,500.00	\$2,500.00
320 Operating Supplies	\$4,558	\$7,911	\$6,406	\$8,500	\$8,201.00	\$8,500.00	\$8,500.00
322 Chemical, Laboratory	\$350	\$866	\$274	\$400	\$137.00	\$400.00	\$400.00
323 Food	\$0	\$0	\$47	\$200	\$0.00	\$0.00	\$200.00
326 Clothing and Uniforms (Gloves,boots,safety glasses coveralls)	\$2,328	\$1,542	\$2,660	\$3,000	\$1,973.00	\$2,500.00	\$2,500.00
331 Gas, Oil, Diesel Fuel, Grease	\$289	\$810	\$316	\$1,000	\$50.00	\$300.00	\$1,000.00
332 Motor Vehicle Parts	\$1,169	\$114	\$1,468	\$1,200	\$768.00	\$1,200.00	\$1,000.00
334 Tires, Tubes & Ect	\$1,430	\$275	\$1,045	\$3,200	\$728.00	\$3,200.00	\$2,000.00
342 Sign Parts and Supplies	\$0	\$0	\$0	\$1,000	\$1,238.00	\$1,240.00	\$1,200.00
450 Raw Materials	\$0	\$63	\$281	\$2,500	\$1,879.00	\$2,500.00	\$2,500.00
770 GRANT BILLS	\$0	\$3,932	\$0	\$0	\$0.00	\$0.00	\$0.00
931 Road Materials and Repairs	\$0	\$105	\$105,782	\$100,000	\$36,321.00	\$36,320.00	\$75,000.00
932 Drainage Improvements	\$0	\$0	\$3,520	\$3,500	\$0.00	\$0.00	\$3,500.00
940 LAWN MOWER/KINGCAB TON TRUCK/BACKHO	\$42,696	\$0	\$34,652	\$10,000	\$16,779.00	\$16,780.00	\$0.00
<b>SUB TOTAL – HIGHWAY AND STREET</b>	\$123,083	\$91,586	\$240,289	\$231,803	\$152,063	\$169,461	\$199,000.00

	CPA# 2001-2002	CPA # 2002-2003	CPA # 2003-2004	BUDGET & AMENDMENT 2004-2005	ACTUALS TO 6/01/2005	Estimated 6/30/2005	Budget 2005-2006
<b>SANITATION DEPT.</b>							
<b>111 Supervisor - Wages</b>	\$11,960	\$13,409	\$13,050	<b>\$13,725</b>	\$13,274.00	\$13,725.00	<b>\$14,400.00</b>
<b>121 Crew - Wages</b>	\$42,517	\$45,671	\$45,380	<b>\$48,541</b>	\$43,516.00	\$48,300.00	<b>\$51,300.00</b>
<b>123 OVERTIME</b>	\$0	\$0	\$170	<b>\$1,000</b>	\$1,207.00	\$1,500.00	<b>\$1,500.00</b>
<b>134 CHRISTMAS BONUS</b>	\$0	\$0	\$812	<b>\$900</b>	\$788.00	\$790.00	<b>\$800.00</b>
<b>219 Other Communication - pager</b>	\$24	\$0	\$0	<b>\$0</b>	\$0.00	\$0.00	<b>\$0.00</b>
<b>261 Repair and Maintenance Motor Vehicle</b>	\$3,210	\$3,991	\$2,498	<b>\$2,500</b>	\$2,875.00	\$2,880.00	<b>\$3,000.00</b>
<b>295 Landfill Services</b>	\$25,669	\$26,184	\$26,196	<b>\$30,000</b>	\$24,035.00	\$29,000.00	<b>\$27,000.00</b>
<b>320 Operating Supplies</b>	\$70	\$257	\$643	<b>\$2,000</b>	\$485.00	\$600.00	<b>\$2,000.00</b>
<b>326 Clothing and Uniforms</b>	\$1,829	\$1,931	\$1,995	<b>\$2,500</b>	\$2,019.00	\$2,500.00	<b>\$2,500.00</b>
<b>331 Gas, Oil, Diesel, Grease</b>	\$345	\$156	\$0	<b>\$750</b>	\$0.00	\$250.00	<b>\$500.00</b>
<b>332 Motor Vehicle Parts</b>	\$977	\$92	\$156	<b>\$1,000</b>	\$1,000.00	\$1,000.00	<b>\$1,000.00</b>
<b>334 Tires, Tubes and Ect.</b>	\$2,129	\$561	\$685	<b>\$2,500</b>	\$2,759.00	\$3,000.00	<b>\$3,000.00</b>
<b>SUB TOTAL- SANITATION</b>	\$88,730	\$92,252	\$91,585	<b>\$105,416</b>	\$91,958	\$103,545	<b>\$107,000.00</b>
<b>Total Expenditures</b>	\$1,270,882	\$1,496,240	\$1,574,026	<b>\$2,757,874</b>	\$2,455,356	\$2,612,750	<b>\$2,174,000</b>

**(REVENUES-EXPENSES)**

\$364,041 \$386,118 \$122,457

**-\$772,967****-\$294,563****-\$357,712****\$677,000**

# Town of Kimball State Street Aid Fund

Account Number	Revenue	CPA'S #S 2000-2001	CPA's #s 2001-2002	CPA's #s 2002-2003	CPA'S #S 2003-2004	BUDGETED 2004-2005	Actuals to 6-2-2005	Estimated 6/30/05	BUDGET 2005-2006
33551	State Gas Tax	\$34,759.00	\$36,663.00	\$36,692.00	\$36,907.00	\$35,600.00	\$33,917.00	\$36,910.00	\$36,700.00
36100	Interest	\$683.00	\$453.00	\$217.00	\$129.00	\$300.00	\$86.00	\$100.00	\$100.00
37990	Misc	\$218.00	\$0.00	\$0.00	\$123.00	\$0.00	\$0.00	\$0.00	\$0.00
	RESERVES				\$12,090.00				\$0.00
	<b>Total Revenues</b>	\$35,660.00	\$37,116.00	\$36,909.00	\$49,249.00	\$35,900.00	\$34,003.00	\$37,010.00	\$36,800.00
	<b>Total Revenues - Total Expenses</b>	\$12,976.00	\$11,574.00	(\$18,116.00)	\$2,167.00	\$0.00	(\$1,831.00)	\$1,170.00	\$0.00

<b>Fund balance - Beginning of year</b>	\$29,332.00	\$42,310.00	\$53,884.00	\$23,678.00	\$25,845.00	\$25,845.00	\$25,845.00	\$27,015.00
<b>Fund balance - end of year</b>	\$42,310.00	\$53,884.00	\$35,768.00	\$25,845.00	\$25,845.00	\$24,014.00	\$27,015.00	\$27,015.00

<b>Account Number</b>	<b>Expenditures</b>	<b>CPA'S #S 2000-2001</b>	<b>CPA's #s 2001-2002</b>	<b>CPA's #s 2002-2003</b>	<b>CPA'S #S 2003-2004</b>	<b>BUDGETED 2004-2005</b>	<b>Actuals to 6-2-2005</b>	<b>Estimated 6/30/05</b>	<b>BUDGET 2005-2006</b>
<b>931</b>	<b>Road Materials and Repairs</b>	\$1,208.00	\$2,506.00	\$28,412.00	\$4,293.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>247</b>	<b>Street Lights Electricity</b>	\$19,119.00	\$21,238.00	\$21,294.00	\$37,586.00	<b>\$35,900.00</b>	<b>\$35,814.00</b>	<b>\$35,820.00</b>	<b>\$36,800.00</b>
<b>248</b>	<b>Traffic Light Electricity</b>	\$603.00	\$867.00	\$1,087.00	\$1,563.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>260</b>	<b>Repair &amp; Maint Service</b>	\$103.00	\$0.00	\$1,750.00	\$389.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>342</b>	<b>Sign Parts and Supplies</b>	\$1,021.00	\$850.00	\$751.00	\$716.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>390</b>	<b>OTHER SUPPLY ITEMS</b>	\$0.00	\$0.00	\$300.00	\$0.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>450</b>	<b>Raw Materials</b>	\$478.00	\$0.00	\$1,308.00	\$461.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>452</b>	<b>Gravel and Sand</b>	\$152.00	\$81.00	\$123.00	\$174.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>555</b>	<b>Bank Charges</b>	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>	<b>\$20.00</b>	<b>\$20.00</b>	<b>\$0.00</b>
<b>932</b>	<b>Bridges and Tunnels</b>	\$0.00	\$0.00	\$0.00	\$1,900.00	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
	<b>Total Expenditures</b>	<b>\$22,684.00</b>	<b>\$25,542.00</b>	<b>\$55,025.00</b>	<b>\$47,082.00</b>	<b>\$35,900.00</b>	<b>\$35,834.00</b>	<b>\$35,840.00</b>	<b>\$36,800.00</b>

## Town of Kimball Drug Fund

Account Number	Revenue	CPA's #'s 2001-2002	CPA's #'s 2002-2003	CPA'S #'s 2003-2004	BUDGETED 2004-2005	Actuals to 6/2/2005	Estimated 6/30/2005	BUDGET 2005-2006
35140	Drug Related Fines	\$1,456.00	\$829.00	\$1,806.00	\$1,200.00	\$1,220.80	\$1,220.00	\$1,200.00
34141	20% for Fingerprint System	\$364.00	\$208.00	\$452.00	\$300.00	\$305.20	\$305.00	\$300.00
	<b>Total Revenues</b>	\$1,820.00	\$1,037.00	\$2,258.00	\$1,500.00	\$1,526.00	\$1,526.00	\$1,500.00

Account Number	Expenditures	CPA's #'s 2001-2002	CPA's #'s 2002-2003	CPA'S #'s 2003-2004	BUDGETED 2004-2005	Actuals to 6/2/2005	Estimated 6/30/2005	BUDGET 2005-2006
320	Operating Supplies	\$0.00	\$0.00	\$7,282.00	\$3,300.00	\$3,300.00	\$3,300.00	\$0.00
	<b>Total Expenditures</b>	\$0.00	\$0.00	\$7,282.00	\$3,300.00	\$3,300.00	\$3,300.00	\$0.00

**20% FINGERPRINTING**  
**Must be retained in fund balance**

			\$4,507.39	\$4,807.38	\$4,812.59	\$4,812.39	\$5,107.38
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<b>Fund Balance - beginning of year</b>	\$10,307.00	\$12,127.00	\$13,164.00	\$8,140.00	\$8,140.00	\$8,140.00	<b>\$6,366.00</b>
<b>Fund Balance - end of year</b>	\$12,127.00	\$13,164.00	\$8,140.00	\$6,340.00	\$6,366.00	\$6,366.00	<b>\$7,866.00</b>

# TOWN OF KIMBALL SEWER FUND

REVENUE	CPA's #'s 2000-2001	CPA's #'s 2001-2002	CPA's #'s 2002-2003	CPA #'S 2003-2004	BUDGETED 2004-2005	Actual 6-2-2005	Estimated 6/30/2005	BUDGET 2005-2006
<b>37210 Sewer Services Charges</b>	\$35,591.00	\$34,994.00	\$32,528.00	\$38,171.00	<b>\$35,000.00</b>	\$33,202.00	\$36,200.00	<b>\$36,000.00</b>
<b>36100 Interest Earnings</b>	\$890.00	\$803.00	\$430.00	\$573.00	<b>\$500.00</b>	\$324.00	\$380.00	<b>\$400.00</b>
<b>37296 Sewer Tap Fees</b>	\$1,000.00	\$0.00	\$0.00	\$1,000.00	<b>\$3,000.00</b>	\$1,000.00	\$1,000.00	<b>\$1,000.00</b>
<b>37299 Grease Trap Fees</b>	\$6,900.00	\$6,600.00	\$6,900.00	\$7,500.00	<b>\$6,900.00</b>	\$3,300.00	\$6,900.00	<b>\$7,200.00</b>
<b>37990 Other Non-Operating Rev.</b>	\$1,000.00	\$1,453.00	\$1,272.00	\$1,246.00	<b>\$0.00</b>	\$1,558.00	\$1,560.00	<b>\$1,500.00</b>
<b>Total Revenues</b>	\$45,381.00	\$43,850.00	\$41,130.00	\$48,490.00	<b>\$45,400.00</b>	\$39,384.00	\$46,040.00	<b>\$46,100.00</b>

**EXPENDITURES**

	CPA'S #S 2000-2001	CPA's #s 2001-2002	CPA's #s 2002-2003	CPA #S 2003-2004	<b>BUDGETED 2004-2005</b>	Actual 6-2-2005	Estimated 6/30/2005	<b>BUDGET 2005-2006</b>
<b>121 Salaries</b>	\$253.00	\$216.00	\$740.00	\$0.00	<b>\$1,000.00</b>	\$1,227.00	\$1,323.00	<b>\$1,400.00</b>
<b>235 Memberships, Registrations</b>	\$0.00	\$285.00	\$0.00	\$400.00	<b>\$400.00</b>	\$325.00	\$325.00	<b>\$400.00</b>
<b>241 Electric</b>	\$3,906.00	\$3,737.00	\$3,451.00	\$4,262.00	<b>\$5,400.00</b>	\$4,512.00	\$5,400.00	<b>\$5,838.00</b>
<b>260 Repairs</b>	\$5,213.00	\$1,132.00	\$75.00	\$3,140.00	<b>\$4,400.00</b>	\$5,329.00	\$5,329.00	<b>\$4,000.00</b>
<b>283 Out of town expense</b>	\$0.00	\$835.00	\$23.00	\$0.00	<b>\$200.00</b>	\$0.00	\$0.00	<b>\$200.00</b>
<b>290 Sewer Samples &amp; Prof. Ser.</b>	\$1,560.00	\$460.00	\$2,519.00	\$1,924.00	<b>\$2,400.00</b>	\$14,654.00	\$15,300.00	<b>\$3,100.00</b>
<b>340 Other Repairs &amp; Maints</b>	\$610.00	\$0.00	\$2,181.00	\$0.00	<b>\$1,200.00</b>	\$1,002.00	\$1,002.00	<b>\$1,100.00</b>
<b>540 Depreciation</b>	\$21,419.00	\$21,419.00	\$21,419.00	\$21,419.00	<b>\$21,795.00</b>	\$21,795.00	\$21,795.00	<b>\$21,795.00</b>
<b>555 Bank Service Charge</b>	\$0.00	\$10.00	\$0.00	\$11.00	<b>\$20.00</b>	\$0.00	\$0.00	<b>\$20.00</b>
<b>565 Permit Fee</b>	\$0.00	\$0.00	\$250.00	\$0.00	<b>\$250.00</b>	\$0.00	\$0.00	<b>\$250.00</b>
<b>630 Interest Expense</b>	\$9,519.00	\$9,383.00	\$9,127.00	\$8,573.00	<b>\$8,160.00</b>	\$8,160.00	\$8,160.00	<b>\$7,822.00</b>
<b>693 Bond Amortization Expense</b>	\$170.00	\$170.00	\$170.00	\$170.00	<b>\$175.00</b>	\$170.00	\$171.00	<b>\$175.00</b>
<b>Total Expenditures</b>	\$42,650.00	\$37,647.00	\$39,955.00	\$39,899.00	<b>\$45,400.00</b>	\$57,174.00	\$58,805.00	<b>\$46,100.00</b>

**ORDINANCE NO. 167**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133, PARCEL 6) JAMES LONG PROPERTY**

- WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

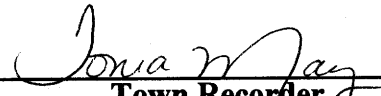
- Section 1** The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Business District, as indicated by the attached map dated August 2005 and further described in Section 2.
- Section 2** BEGINNING at a point, said point being the northeastern corner of Parcel 6, Marion County Tax Map 133, and being further described as lying in the western right-of-way of Kimball Lane, thence in a generally southerly direction following the eastern property line of said Parcel 6, and the western right-of-way of Kimball Lane for a distance of approximately 200 feet to a point, said point being the southeastern corner of said Parcel 6, thence in a generally westerly direction following the southern property line of said Parcel 6 for a distance of approximately 260 feet to a point, said point being the southwestern corner of said Parcel 6, thence in a generally northerly direction following the western property line of said Parcel 6 for a distance of approximately 200 feet to a point, said point being the northwestern corner of said Parcel 6, thence in a generally easterly direction following the northern property line of said Parcel 6 for a distance of approximately 260 feet to the point of beginning.
- Section 3** The attached map, dated August 2005, further illustrates the area being zoned in Kimball, Tennessee.
- Section 4** **THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, THE PUBLIC WELFARE REQUIRING IT.



FIRST READING: 8-22-2005

SECOND READING: 9-8-2005

  
\_\_\_\_\_  
Mayor

ATTEST   
\_\_\_\_\_  
Town Recorder

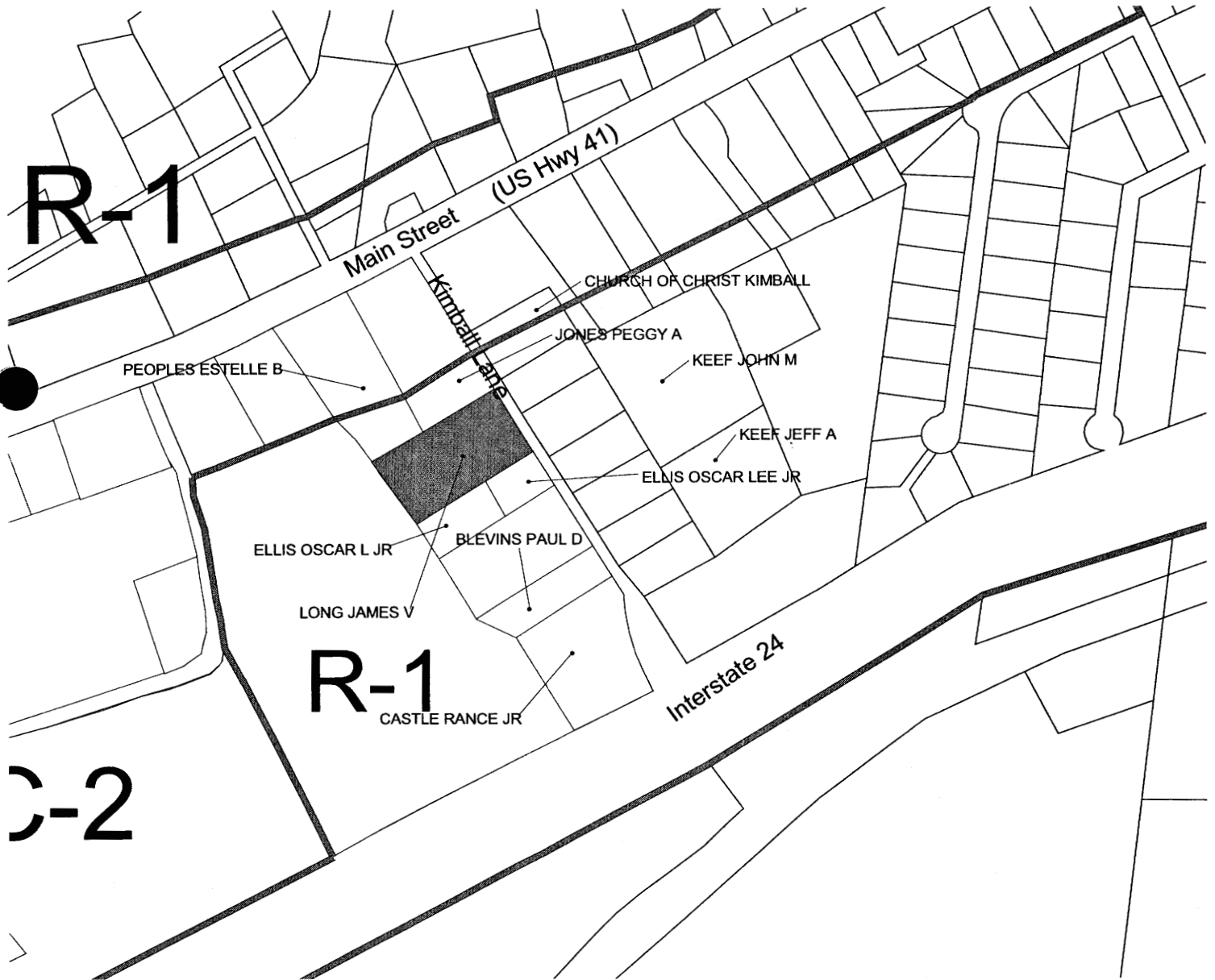
# Kimball, Tennessee

## Proposed Rezoning from R-1 to C-2

August 2005



400 0 400 800 Feet



Local Planning Assistance Office  
Chattanooga, Tennessee

 **Subject Area**

This map is for planning purposes only.  
This is not an engineering map.  
Source: LPAO

## ORDINANCE NO. 168

### ORDINANCE TO ESTABLISH A PARKS AND RECREATION BOARD FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, the Town of Kimball, Tennessee is a Tennessee municipality established under its Charter and the laws of the State of Tennessee; and

**WHEREAS**, the Town of Kimball has the authority under its Charter to establish such boards and commissions it deems necessary to effectively carry out the Town's business; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that due to growth of the Town, a Parks and Recreation Board is necessary to guide in the development of a recreation program and/or in the development of a park system of the Town of Kimball, Tennessee; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that the Board should consist of six (6) citizens of the Town of Kimball, Tennessee and one member of the Board of Mayor and Aldermen; and

**WHEREAS**, the Town of Kimball, Tennessee has the Kimball Municipal Code which as Title 2 reserved for Boards and Commissions.

**NOW, THEREFORE**, be it ORDAINED and ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1.** Title 2 of the Kimball Municipal Code shall be amended by adding the following entire section:

**2-101. Parks and Recreation Board.** (1) Appointment. The Board of Mayor and Aldermen shall appoint a Parks and Recreation Board for the purpose of establishing and running a parks and recreation department in the Town of Kimball, Tennessee. The Board shall consist of six citizens and one member of the Board of Mayor and Aldermen.

(2) Qualifications. The citizens appointed to the Board shall at all times be residents within the municipal borders of the Town of Kimball, Tennessee. If a Board member lives outside of the municipal limits, he shall automatically lose his position on the Board and a replacement will be appointed by the Board of Mayor and Aldermen.

(3) Meetings and Length of Terms. The members of the Board shall serve terms as established by the Board of Mayor and Aldermen. Any meetings of the board will be called by the Mayor and published within sufficient notice to the public and to each Board member of the time and place of each meeting.

(4) Conduct at Meetings. The meetings of the Board shall be conducted pursuant to the latest edition of Roberts Rules of Order. The board shall elect such officers as it deems necessary but at a minimum shall elect a chairman, vice-chairman, and a secretary. The secretary shall be responsible for keeping the minutes of the meeting. The president shall run the meeting pursuant to the above-described rules.

**2-102. Powers of the Parks and Recreation Board.** The Parks and Recreation Board shall have no independent authority. The Board shall make such recommendation as it deems necessary and appropriate to the Board of Mayor and Aldermen who shall have authority to approve or deny said recommendations. The Board will have no authority to bind the Town of Kimball to any contract, either verbal or written, nor expend any funds of the Town of Kimball without the express approval of the Board of Mayor and Aldermen at a regular or specially called meeting.

SECTION 2. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 3. This ordinance shall take effect from and after its filed passage.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 3<sup>rd</sup> day of November, 2005.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading October 6, 2005

Public hearing November 3, 2005

Passed on second reading November 3, 2005

# ORDINANCE NO. 169

## ORDINANCE TO AMEND THE TRAVEL REIMBURSEMENT REGULATIONS OF THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, Title 4, Chapter 4 of the Kimball Municipal Code establishes certain travel reimbursement regulations for employees and representatives of the Town of Kimball, Tennessee; and

**WHEREAS**, Municipalities may adopt their own travel policies with the consent of the Comptroller or the State of Tennessee; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that the current travel reimbursement regulations are inefficient and need to be revised.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** Title 4, Chapter 4 of the Kimball Municipal Code shall be amended by deleting the entire chapter and replacing it with the following:

**4-101. Enforcement.** The Mayor for the Town of Kimball, Tennessee shall responsible for the enforcement of travel reimbursement regulations set forth herein.

**4-402. Travel Policy.**

(1) In the interpretation and application of this chapter, the term “traveler” or “authorized traveler” means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the Mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. “Authorized traveler” shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the Mayor. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Whenever possible, all travel expenses shall be paid in advance by the Town Recorder. The approved travel expense reimbursement forms shall be used to document all expense claims whether paid in advance of or after the time of travel.

(4) To qualify for reimbursement, all travel expenses must be directly related to the conduct of town business for which travel was authorized, and be actual, reasonable and necessary under the circumstances. The Mayor may make exceptions for unusual circumstances; however, any expenses considered excessive are not allowed.

(5) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement.

**4-403. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates unless otherwise set forth herein. The Town's reimbursement rates will automatically change when the State rates are adjusted. The Town may pay directly to the provider for expenses such as meals, lodging, registration fees for conferences, conventions, seminars and other education programs.

**4-404. Administrative procedures.** The Town adopts and incorporates the following administrative procedures with regard to lodging, transportation, meals and entertainment. A copy of the administrative procedures will be on file in the office of the Town Recorder and will be submitted to the Comptroller of the Treasury of the State of Tennessee.

**(1) General Provisions.**

(a) Only authorized travelers' expenses shall be reimbursed. Any expenses incurred for the entertainment, meals, or other matters for individuals not employed by the Town of Kimball, Tennessee shall be reimbursed only upon proof by their authorized traveler that the expenses were incurred in furtherance of the business of the Town of Kimball and upon approval by the Mayor.

(b) Registration fees for meetings, conferences, or training sessions shall be paid by the Town Recorder in advance.

(c) Travel reimbursements need to be turned into the authorized traveler's supervisor within 48 hours of return. The supervisor shall have 24 hours to turn the forms and documentation into the Town Recorder who will forward the information to the Mayor who will make the decision with regard to reimbursement.

(d) The travel sheets required to be used shall be obtained by the authorized traveler from their supervisor prior to departure.

(e) The advancement of costs other than those paid directly to the provider by the Town Recorder or for the authorized traveler must be approved by the Mayor.

(f) No expenses shall be reimbursed for the purchase of alcohol or tobacco products or for the use of any pornographic or any illegal material. The use of any of these items while on town business will result in disciplinary action up to and including termination of employment.

(g) Should it be determined by the Mayor and Board of Aldermen that any authorized traveler has abused this travel policy as a result of fraudulent or illegal activity, disciplinary action up to and including termination of employment.

(2) **Lodging.** Whenever feasible, all lodging will be paid by the Town Recorder in advance. The Town will use the reimbursement rates set forth by the State of Tennessee if at all possible. If meetings, conferences, training sessions, or events are at a designated motel and the costs of such designated motel is more than the state rate, the town will pay for the person or persons to stay at the designated site. However, more moderately priced accommodations should be requested whenever possible. Any requests for lodging must be turned in at least one week before the deadline set for reservations for rooms, meetings, conferences, training sessions or other events.

(3) **Transportation.**

(a) Whenever possible, Town vehicles shall be used while on Town business. Said vehicles shall be filled with fuel at the Town's facility prior to departure. Any fuel purchased during travel by the authorized traveler shall be reimbursed. Proper documentation is necessary for reimbursement.

(b) In the event that a Town vehicle is not available for use, the use of a personal vehicle will be allowed upon prior approval of the Mayor. The owner of the vehicle shall be reimbursed at the maximum rate allowed by state or federal regulations. In order to receive reimbursement for mileage, the vehicle owner must provide documentation to the Town Recorder to determine the amount allowed for reimbursement. The owner of the vehicle shall record the beginning odometer reading at the time of departure and record the ending odometer reading upon return.

(c) Fines for traffic and parking violations will not be reimbursed by the Town. If the traveler is involved in an automobile accident, the supervisor and the Town Recorder must be notified immediately. Any person involved in a traffic accident will be required to submit to drug and alcohol testing upon request.

(d) The following expenses will be reimbursed upon receipt of supporting documentation:

- (i) tolls
- (ii) parking lot tickets
- (iii) taxi/limousine/public transportation fares provided as direct travel between the lodging quarters, airport, bus station, train stations, meetings, conference, training, event sites, and meals.

(e) No authorized travelers shall use a Town owned vehicle for the transportation of his family or acquaintances unless said person is directly related to the event being attended. If the employee desires to take family or friends with him, he shall use his personal vehicle and will be reimbursed as stated above for the mileage incurred.

(f) If a Town vehicle breaks down during travel, the traveler shall immediately contact their supervisor, the Town Recorder, or the Mayor to determine what, if any, repairs shall be made and if any alternative transportation requirements may be necessary. At no time will personal vehicle repairs be reimbursed.

(4) **Meals.** Meals will be provided to authorized travelers when said travelers are sent out of town to attend meetings, conferences, training sessions or any other business of the town. In order to receive reimbursement for meals, the authorized traveler shall have proper

documentation showing the actual expenses incurred. Meal expenses shall be reimbursed on the following schedule:

(a) Overnight travel. Authorized travelers shall be reimbursed for actual meal expenses up to and including the amount of \$60.00. Any amount over \$60.00 shall not be reimbursed.

(b) Day travel. Authorized travelers shall be reimbursed for actual meal expenses up to and including the amount of \$20.00. Any expense over \$20.00 will not be reimbursed.

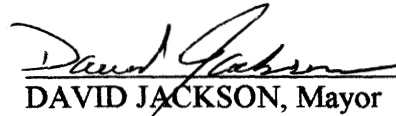
(c) If any meal is included in the cost of the meeting, conference, training sessions, events, or the hotel bill, the maximum allowed expenditure will be reduced by one-third (1/3).

(d) Incidentals for each day including tip shall never exceed fifteen percent (15%) of the cost of the meal.

**SECTION 2:** Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and will continue to be in full force and effect.

**SECTION 3:** This Ordinance shall take effect from and after its final passage.

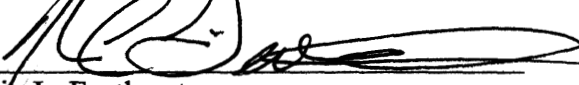
**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 5<sup>th</sup> day of January 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading      December 1, 2005

Public hearing              January 5, 2006

Passed on second reading    January 5, 2006



## ORDINANCE NO. 170

### AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING A PORTION OF THE PROPERTY HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 119, PARCEL 59.07) FRANCIS BERUBE PROPERTY

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and,

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1** The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Business District, as indicated by the attached map dated January 2006 and further described in Section 2.

**Section 2** BEGINNING at a point, said point being the northwestern corner of Parcel 59.07, Marion County Tax Map 119, thence in a generally easterly direction following the northern property line of said Parcel 59.07, for a distance of approximately 105 feet to a point, said point being a point lying in the northern property line of said Parcel 59.07, and being further described as the intersection of the C-2 Commercial Zone and the R-2 Residential Zone, thence in a generally southwesterly direction following the C-2 Commercial Zone boundary for a distance of approximately 145 feet to a point, said point being a point lying in the western property line of said Parcel 59.07, thence in a generally northerly direction following the western property line for a distance of approximately 100 feet to the point of beginning.

**Section 3** The attached map, dated January 2006 further illustrates the area being zoned in Kimball, Tennessee.

**Section 4**    **THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING: February 2, 2006**

**SECOND READING: March 2, 2006**

  
\_\_\_\_\_  
**Mayor**

**ATTEST**   
\_\_\_\_\_  
**Town Recorder**

## **ORDINANCE NO. 171**

### **ORDINANCE TO PROVIDE FOR DISTRIBUTION OF ANTICIPATED SALES TAX REVENUES RESULTING FROM A LOCAL SALES RATE INCREASE FROM 2.25 PERCENT TO 2.75 PERCENT**

**WHEREAS**, on March 10, 2006, the voters of Marion County, Tennessee will vote on a referendum providing for the increase of the local sales tax rate from 2.25 percent to 2.75 percent; and

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have previously authorized the Mayor to execute an agreement providing that the Town of Kimball's share of this increase may be used exclusively for school building construction, capital improvements to the county school system, and the retirement of indebtedness issued for the purposes of school building construction and/or capital improvements to the county school system, conditioned upon Marion County and the Marion County Board of Education so agreeing to appropriate their portion of the increase sales tax revenue and conditioned further upon approvals of all municipalities within Marion County to do likewise; and

**WHEREAS**, in anticipation that the referendum will pass, an agreement referred to as the Marion County Educational Local Sales Tax Distribution Agreement (hereinafter "Agreement") has been drafted on behalf of Marion County, the Marion County Board of Education, all municipalities located within Marion County, and by the Richard City School District; and

**WHEREAS**, the Board of Mayor and Aldermen feel it is appropriate to enact this Ordinance to provide for the distribution of said anticipated increased sales tax revenue in accordance with said agreement.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:


**SECTION 1:** A document entitled "Marion County Educational Sales Tax Distribution Agreement", attached hereto as Exhibit A and incorporated herein by reference, is hereby approved by the Board of Mayor and Aldermen and the execution of said Agreement by the Mayor of the Town of Kimball is hereby ratified and confirmed.

**SECTION 2:** The monies resulting from the sales tax increase from 2.25 percent to 2.75 percent as it relates to the Town of Kimball, Tennessee, shall be utilized for school building construction, capital improvements to the county school system and/or retirement of indebtedness issued for purposes of said school building construction and/or capital improvements to the county schools system, subject to the terms and conditions of the "Marion County Educational Sales Tax Distribution Agreement" attached hereto as Exhibit A.

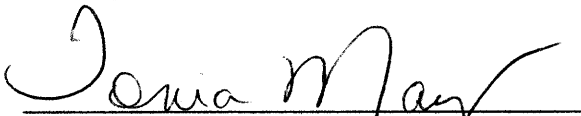
**SECTION 3:** Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 4:** This Ordinance shall take effect from and after second and final reading and only in the event the above-referenced referendum is passed by the voters of Marion County, Tennessee to increase the local sales tax rate and all approvals are obtained as contemplated in the Agreement.

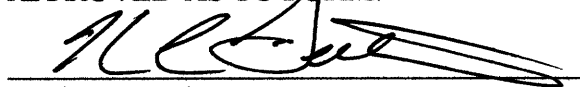
**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 6<sup>th</sup> day of April, 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading	<u>March 2</u> , 2006
Public hearing	<u>April 6</u> , 2006
Passed on second reading	<u>April 6</u> , 2006

MARION COUNTY EDUCATIONAL LOCAL SALES TAX DISTRIBUTION AGREEMENT

WITNESS this Local Sales Tax Distribution Agreement entered by and between MARION COUNTY, TENNESSEE, the TOWN OF JASPER, TENNESSEE, the TOWN OF KIMBALL, TENNESSEE, the TOWN OF MONTEAGLE, TENNESSEE, the CITY OF NEW HOPE, TENNESSEE, the CITY OF ORME, TENNESSEE, the TOWN OF POWELL CROSSROADS, TENNESSEE, the CITY OF SOUTH PITTSBURG, TENNESSEE, the CITY OF WHITWELL, TENNESSEE, the MARION COUNTY BOARD OF EDUCATION and the RICHARD CITY SPECIAL SCHOOL DISTRICT with respect to the distribution and expenditure of local sales tax proceeds derived from a one-half cent increase in the local sales tax rate for Marion County, increasing the same from the presently existing 2.25% to 2.75% pursuant to a referendum question presented to the electorate of Marion County, Tennessee on March 10, 2006, which question reads as follows:

Shall the Resolution passed pursuant to T.C.A. Section 67-6-601, et seq., by the County of Marion, State of Tennessee, published in a newspaper of general circulation, increasing the local sales tax rate from 2.25% to 2.75%, with such increase to be used for school building construction, capital improvements to the County's school system, and/or retirement of debt issued for such purposes, become operative?

WHEREAS, the parties hereto agree that, conditioned upon the passage and certification by the Marion County Election Commission of the referenced Referendum, that the one-half (½) cent local sales tax rate increase from 2.25% to 2.75% shall be utilized as more particularly provided herein; and

WHEREAS, T.C.A. Section 67-6-712(a)(1) otherwise provides, as a matter of State law, that one-half (½) of all local sales tax proceeds shall be expended in the same manner as the (existing) county property tax for school purposes is expended and distributed;

**WHEREAS, T.C.A. Section 67-6-712(a)(2)(c) permits Marion County and the other parties hereto to contractually provide for “other” distributions of the one-half (½) of the incremental sales tax proceeds hereafter generated by the additional one-half (½) cent local sales tax rate increase contemplated by and hereafter collected pursuant to the referenced Referendum which are not automatically allocated to “school purposes”; and**

**WHEREAS, T.C.A. Section 67-6-712(a)(3) permits Marion County and the other parties to this Agreement to contractually allocate all of the proceeds derived from the incremental sales tax proceeds hereafter generated by the additional one-half (½) cent local sales tax rate increase contemplated by and hereafter collected pursuant to the referenced Referendum, to the payment of principal and interest on bonds, notes, or other evidences of an indebtedness for which such additional incremental tax collections are permitted to be spent, which purposes include such indebtedness hereafter incurred for capital expenditures for school capital projects; and**

**WHEREAS, distribution and expenditure contracts such as this Agreement require (1) approval by a two-thirds (2/3) majority of the members of the Marion County Commission, (2) approval by Resolution of the Marion County School Board, (3) approval by Resolution of the Richard City Special School District, and (4) approval by Ordinance of each of the participating municipalities; and**

**WHEREAS, the parties believe that considerable support exists for the passage of the referenced Referendum in the event that all of the parties hereto contractually dedicate all of the proceeds to be derived from the referenced one-half (½) cent local sales tax increase for school building construction, capital improvements to the County’s school system and/or retirement of**

indebtedness issued for the purposes of school building construction and/or capital improvements to the County's school system.

NOW, THEREFORE, in consideration of the premises, and of the mutual promises hereinafter set forth, and pursuant to the authority expressly granted to the parties pursuant to T.C.A. Section 67-6-712(a)(2)(c) and T.C.A. Section 67-6-712(a)(3), it is AGREED AS FOLLOWS:

1. (a) Net of any collection and administrative fees payable to or retained by the Department of Revenue for the State of Tennessee, (if any) and, subject to the specific distribution to the Richard City Special School District referenced in Section 1(b), one hundred (100%) percent of the incremental local sales tax proceeds generated and collected as a consequence of the referendum election on March 10, 2006, increasing the local sales tax rate from two and twenty-five hundredths (2.25%) percent to two and seventy-five hundredths (2.75%) percent shall be used and expended for school building construction, capital improvements to the County's school system and/or retirement of hereafter incurred principal and interest indebtedness on bonds, notes or other evidences of indebtedness (incurred) for school building construction and/or for capital improvements to the County school system.

(b) The Richard City Special School District shall be allocated, annually, a portion of the incremental local sales tax proceeds generated and collected as a consequence of the referendum election on March 10, 2006, increasing the local sales tax rate from two and twenty-five hundredths (2.25%) percent to two and seventy-five hundredths (2.75%) percent, calculated and derived by applying the same percentage based on the Weighted Full Time Equivalent Average Daily Attendance as required by T.C.A. Section 49-3-315, as currently

enacted on the date of execution of this Agreement or hereafter amended, to the total of the incremental tax collections, which percentage amount is and shall be derived from the same formula and percentage as is utilized from time to time for the allocation of other public school monies to the Richard City Special School District. Such allocation shall be in the form of a formula based calculation percentage of debt service repayment for bonds or notes issued for purposes allowable pursuant to this Agreement, and as to which bonds or notes Richard City Special School District shall have previously received its percentage allocation, or, if there are not in any given year any such bonds or notes outstanding, in the form of a transfer of funds directly to Richard City Special School District. Provided further, however, that any additional incremental funds directly distributed pursuant to this Agreement, shall be utilized only for school building construction, capital improvements for the Richard City Special School District school system and/or retirement of current or hereafter incurred principal and interest indebtedness on bonds, notes or other evidences of indebtedness (incurred) for school building construction and/or for capital improvements to the Richard City Special School District school system.

2. No portion of the incremental local sales tax proceeds now or hereafter generated and collected as a consequence of the referendum election on March 10, 2006, increasing the local sales tax rate from two and twenty-five hundredths (2.25%) percent to two and seventy-five hundredths (2.75%) percent shall now or hereafter during the term of this Agreement be used or expended for construction of any administration facility or administration building or for the central office or for any administrative purpose or any other purpose(s) other than as expressly permitted under the terms of Section 1 this Agreement.



3. During the term hereof any portion of the local option sales tax proceeds which are the subject of this Agreement which are not annually or periodically expended as required by this Agreement, shall be segregated, kept separate from other School Board and/or Marion County funds, accumulated and invested with all income derived therefrom accruing to and being utilized and expended only for the purposes set forth in Section 1 of this Agreement.

4. No party is bound to this Agreement and this Agreement shall be of no force or effect until all of the named parties shall have executed this Agreement. Provided further that in the event that all of the named parties shall not have executed this Agreement on or before March 10, 2006, then this Agreement shall then be null and void and of no further effect.

5. The term of this Agreement is for twenty-five (25) years from and after May 1, 2006, through and including April 30, 2031, after which date, unless renewed by written agreement of equal dignity to this Agreement, this Agreement shall expire and the distribution of the incremental one-half (½) cent portion of local sales tax proceeds collected thereafter shall be governed by then applicable state law. Provided further, that in the event the referenced incremental (½ cent) sales tax increase shall hereafter be repealed prior to the expiration of the twenty-five (25) year term, then, in that event, this Agreement shall terminate upon the effective date of repeal.

If there is existing as of the date of termination any accumulation of tax proceeds which are the topic of this Agreement, (including any earned or accrued interest or other earnings thereon), then said monies shall not be divided or distributed to the parties hereto, but shall continue to be held, accumulated and lawfully invested until expended for the required purposes and uses in accordance with the provisions of Section 1 of this Agreement.

6. No party may withdraw from this Agreement except upon condition of the written agreement of Marion County, Tennessee and all of the remaining municipalities. In the event of the agreed withdrawal of any of the municipal parties hereto, pursuant to the terms of this section, then, in that event, the net proceeds of the incremental amount of the one-half cent sales tax rate increase collected within the jurisdictional boundaries of the withdrawing municipality (the “situs” of collection) shall, thereafter, be governed in accordance with the terms, provisions and conditions of T.C.A. Section 67-6-712 as then existing, i.e. one-half of the amount collected shall nevertheless continue to be dedicated for school purposes and the other one-half shall be payable to the municipality which has withdrawn with written approval of Marion County and all of the other parties hereto.

7. Upon termination of this Agreement for any reason other than the repeal of the increase in the tax rate passed by virtue of the referenced referendum question, the proceeds derived post termination from the referenced one-half of one cent increase shall thereafter be distributed and expended in accordance with the provisions of T.C.A. Section 67-6-712, DISTRIBUTION OF PROCEEDS, as then existing.

8. The Marion County Board of Education shall, not less frequently than quarterly, (i.e. on or about March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> of each year) during the term, report in writing to the other parties hereto:

- (a) The amount(s) collected or received pursuant to this Agreement;
- (b) The amount(s) paid and disbursed pursuant to this Agreement;
- (c) The identity of the payee(s) and/or distributee(s), and the purpose for such distribution(s);

(d) The entity identification and account number(s) and other identifying information of the segregated fund/account or investment(s) representing the accumulation of and payment and distribution from the incremental sales tax proceeds which are the topic of this Agreement.

9. This Agreement shall not be effective and shall be null and void in the event that the referenced referendum question is not approved by the electorate of Marion County and the results of the referendum question certified by the Marion County Election Commission on or before the 1<sup>st</sup> day of May, 2006, or in the event that any named and listed party to this Agreement shall fail or refuse to execute this Agreement.

10. The effective date of this Agreement shall be the \_\_\_ day of \_\_\_\_\_, 2006. Subject to the provision of Section 7, above, once signed, no party may withdraw without compliance with the provisions of Section 6, hereinabove recited.

DATED: \_\_\_\_\_, 2006

MARION COUNTY, TENNESSEE

BY: \_\_\_\_\_

HOWELL W. MOSS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

BY: \_\_\_\_\_

County Court Clerk

William L. Gouger, Jr.  
Attorney for Marion County  
28 Courthouse Square, Suite 100  
Jasper, Tennessee 37347

Resolution # \_\_\_\_\_, Passed by two-thirds  
Majority \_\_\_\_\_, \_\_\_\_\_, 2006

Agreement.

9. This Agreement shall not be effective and shall be null and void in the event that the referenced referendum question is not approved by the electorate of Marion County and the results of the referendum question certified by the Marion County Election Commission on or before the 1<sup>st</sup> day of May, 2006, or in the event that any named and listed party to this Agreement shall fail or refuse to execute this Agreement.

10. The effective date of this Agreement shall be the \_\_\_ day of \_\_\_\_\_, 2006. Subject to the provisions of Section 7, above, once signed, no party may withdraw without compliance with the provisions of Section 6, hereinabove recited.

DATED: 3-21, 2006

MARION COUNTY, TENNESSEE

BY: Howell Moss  
HOWELL W. MOSS, Mayor

ATTEST:

APPROVED AS TO FORM:

Quint Porter  
County Court Clerk

BY: William L. Gouger, Jr.  
William L. Gouger, Jr.  
Attorney for Marion County  
28 Courthouse Square, Suite 100  
Jasper, Tennessee 37347

Resolution # —, Passed by two-thirds  
Majority JAN. 10, 2006

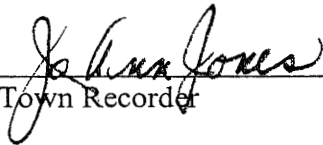
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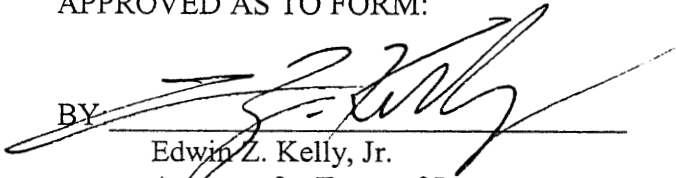
TOWN OF JASPER, TENNESSEE

BY:   
BILL SIMPSON, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Town Recorder

BY:   
Edwin Z. Kelly, Jr.  
Attorney for Town of Jasper  
309 Betsy Pack Drive  
Jasper, Tennessee 37347

Ordinance # 304, Approved on  
Final Reading March, 13, 2006

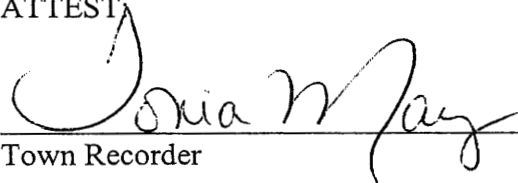
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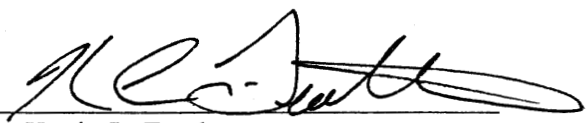
TOWN OF KIMBALL, TENNESSEE

BY:   
DAVID JACKSON, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Town Recorder

BY:   
Kevin L. Featherston  
Attorney for Town of Kimball  
633 Chestnut Street, Suite 1300  
Chattanooga, Tennessee 37450

Ordinance # 171, Approved on  
Final Reading April, 7, 2006

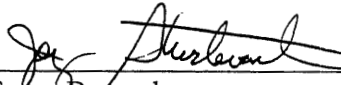
DATED: 3-10-, 2006


TOWN OF MONTEAGLE, TENNESSEE

BY:   
CHARLES ROLLINS, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Town Recorder

BY:   
William C. Killian  
Attorney for Town of Monteagle  
1 Oak Avenue  
Jasper, Tennessee 37347

Resolution  
Ordinance # 2005-120, Approved on  
Final Reading Dec 20, 2005

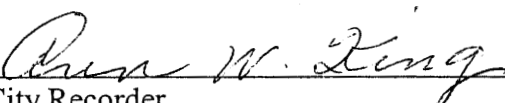
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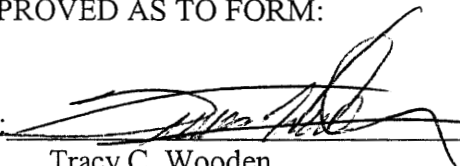
CITY OF NEW HOPE, TENNESSEE

BY:   
MARK MYERS, Mayor

ATTEST:

APPROVED AS TO FORM:

  
City Recorder

BY:   
Tracy C. Wooden  
Attorney for City of New Hope  
737 Market Street, Suite 620  
Chattanooga, Tennessee 37402

Resolution  
Ordinance # 03/06-1, Approved on  
Final Reading March, 9, 2006

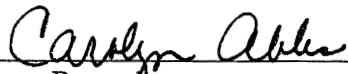
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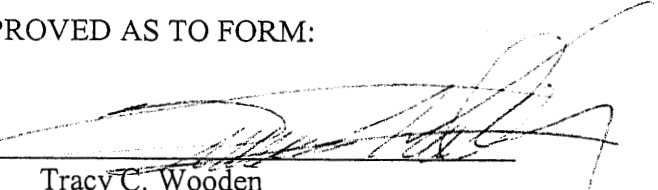
TOWN OF POWELLS CROSSROADS,  
TENNESSEE

BY:   
RALPH CHAPIN, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Town Recorder

BY:   
Tracy C. Wooden  
Attorney for Town of Powells  
Crossroads  
737 Market Street, Suite 620  
Chattanooga, Tennessee 37402

Resolution  
Ordinance # 2006-09, Approved on  
Final Reading March 16, \_\_\_\_\_, 2006

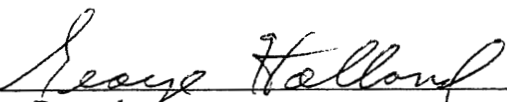
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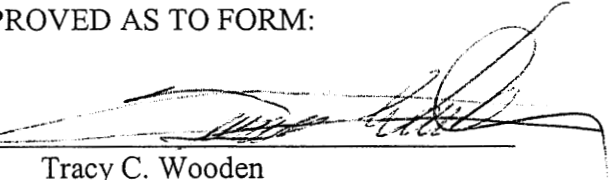
CITY OF SOUTH PITTSBURG, TENNESSEE

BY:   
MIKE KILLIAN, Mayor

ATTEST:

APPROVED AS TO FORM:

  
City Recorder

BY:   
Tracy C. Wooden  
Attorney for City of South Pittsburg  
737 Market Street, Suite 620  
Chattanooga, Tennessee 37402

Ordinance # 676, Approved on  
Final Reading March, 28, 2006

DATED: \_\_\_\_\_, 2006

CITY OF WHITWELL, TENNESSEE

BY: Stuart Morrison  
STUART MORRISON, Mayor

ATTEST:

Robin Nepper  
City Recorder

APPROVED AS TO FORM:

BY: Jennifer Mitchell  
Jennifer Mitchell  
Attorney for City of Whitwell  
109 Cherry Street  
Dunlap, Tennessee 37327

Ordinance # 258, Approved on  
Final Reading March, 16, 2006

DATED: 4/10/06, 2006

MARION COUNTY BOARD OF  
EDUCATION

BY: James E. Poston  
JAMES E. POSTON, Chairman

ATTEST:

And M. Taylor  
Secretary

APPROVED AS TO FORM:

BY: Marshall A. Raines, Jr.  
Marshall A. Raines, Jr.  
Attorney for Marion County Board of  
Education  
32 Courthouse Square  
Jasper, Tennessee 37347

Minutes  
Resolution # 2-23-2006, Approved  
on 23rd, Feb., 2006



DATED: \_\_\_\_\_, 2006

RICHARD CITY SPECIAL SCHOOL  
DISTRICT

BY: Bill Norman  
BILL NORMAN, Chairman

ATTEST:

APPROVED AS TO FORM:

Grant C. Barkham Jr  
Secretary

BY: Ronnie J. Blevins, II  
Ronnie J. T. Blevins, II  
Attorney for Richard City Special School  
District  
23 Courthouse Square  
Jasper, Tennessee 37347

Resolution # \_\_\_\_\_, Approved  
on \_\_\_\_\_, \_\_\_\_\_, 2006

DATED: \_\_\_\_\_, 2006

CITY OF ORME, TENNESSEE

BY: David Grant  
DAVID GRANT, Mayor

ATTEST:

N/A  
Secretary

Ordinance # \_\_\_\_\_, Approved on  
Final Reading February, 01, 2006

# ORDINANCE NO. 172

## ORDINANCE TO ADOPT THE INTERNATIONAL BUILDING CODE FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, T.C.A. § 6-54-501, et seq., requires municipalities to enact codes for construction and other purposes within their municipal limits; and

**WHEREAS**, Kimball Municipal Code Title 12, Chapters 1-12 set forth the code requirements for the Town of Kimball, Tennessee. Said Title 12 adopts the Standard Building Code, the Standard Plumbing Code, the National Electrical Code, the Standard Gas Code, the Standard Mechanical Code; and

**WHEREAS**, the International Code Council has now adopted the new international codes that are being used by the majority of the municipalities within the State of Tennessee and throughout the rest of the Country; and

**WHEREAS**, the Building Inspector for the Town of Kimball, Tennessee has suggested to the Board of Mayor and Aldermen that these codes are more appropriate for the Town of Kimball, and should be adopted to standardize matters across the state; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that it is in the best interest of the Town of Kimball, Tennessee to adopt the codes created by the International Code Council.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

**SECTION 1.** Chapter 12 of the Kimball Municipal Code shall be amended as follows:

Title 12, Chapter 1. All references to the Standard Building Code are hereby deleted and replaced with the adoption of the International Building Code, 2003 edition.

Title 12, Chapter 2. All references in Chapter 2 to the Standard Plumbing Code shall be deleted and replaced with the International Plumbing Code, 2003 edition.

Title 12, Chapter 4. All references to the Standard Gas Code are deleted and replaced with the adoption of the International Fuel Gas Code, 2003 edition.

Title 12, Chapter 5. All references to the Standard Housing Code are hereby deleted and replaced with the adoption of the International Residential Code, 2003 edition.

Title 12, Chapter 11. All references to the Standard Mechanical Code are deleted and replaced with the adoption of the International Mechanical Code, 2003 edition.

**SECTION 2:** Title 12 shall be amended by adopting a new Chapter 13, which shall provide as follows:

13-101. Fire Code Adopted. Pursuant to the authority granted by Tennessee Code Annotated § 6-54-501, et seq., and for the purposes of regulating fire control apparatus within the Town of Kimball, Tennessee, the International Fire Code as adopted by the International Code Council 2003 addition, as prepared, is hereby adopted and incorporated by reference as part of this code and is hereinafter referred to as the Fire Code.

12.101. Codification. Any reference in the Fire Code that refers to the Chief Administrator shall be deemed to be a reference to the governing body of the municipality. When the building official and director of public works is named, it shall, for purposes of the Fire Code, be deemed the Building Inspector as appointed by the Board of Mayor and Aldermen.

12-102. No person or corporation shall install or construct a fire-saving apparatus without obtaining a permit for such construction or installation as required by the International Fire Code.

12-104. Available in Recorder's Office. Pursuant to the requirements of Tennessee Code Annotated §6-54-502, one copy of the International Fire Code has been placed on file in the Recorder's Office and should be kept there for the use and inspection of the public.

12-105. Violation. It shall be unlawful for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified.

12-106. Appointment. The Building Inspector as appointed by the Board of Mayor and Aldermen shall be responsible for enforcing the provisions in the code herein adopted by reference. The Building Inspector shall have all of the powers and duties described in the described in the adopted code, and shall receive such compensation as the Board of Mayor and Aldermen may prescribe.


12-107. Penalty. Any person, firm, corporation or agent who shall violate or fail to comply with any provisions of the code herein adopted by reference shall be punishable in City Court, and any civil penalty of not more than \$50 for

each offense and each day of violation or noncompliance continue shall constitute a separate offense. Said violators shall also be responsible for all costs of enforcement including but not limited the costs of bringing the matter up to code.

**SECTION 3:** Should any provision of this Ordinance be declared unenforceable by a Court of competent jurisdiction, the remaining parts are severable and shall continue to remain in full force and effect.

**SECTION 4:** This Ordinance shall become effective upon its second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 1st day of June, 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading May 4, 2006  
Public hearing June 1, 2006  
Passed on second reading June 1, 2006

## **ORDINANCE NO. 173**

### **ORDINANCE TO ENTER A CABLE FRANCHISE AGREEMENT WITH TRINITY COMMUNICATIONS, LLC**

Title Nine Chapter Two of the Kimball Municipal Code, along with other State and Federal Regulations, allow the Town of Kimball to enter into franchise agreements for providing cable television service within its Municipal limits; and

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interest of the citizens and residents of the Town of Kimball, Tennessee to enter into non-exclusive franchise agreements; and

**WHEREAS**, Trinity Communications, LLC, has submitted a proposed non-exclusive franchise agreement to be executed by the town setting forth the rights, privileges and obligations of each of the parties therein; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that five year terms are in the best interest of the Town in order to regularly assess the services being provided; and

**WHEREAS**, the Board of Mayor and Aldermen have reviewed the contract attached to this Ordinance as Exhibit A and incorporated herein by reference and authorize the Mayor to execute said Agreement on behalf of the Town of Kimball, Tennessee.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

**SECTION 1:** The document entitled "Franchise Agreement for the Construction and Operation of a Communication Antenna Television System Within Kimball, TN.", attached hereto as Exhibit A and incorporated herein by reference, it is hereby approved by the Board of Mayor and Aldermen and the execution of said Agreement by the Mayor of the Town of Kimball, Tennessee is hereby ratified and confirmed.

**SECTION 2:** The monies resulting from the Franchise Fee collected pursuant to said "Franchise Agreement for the Construction and Operation of a Communication Antenna Television System Within Kimball, TN " shall be deposited in the general fund of the Town of Kimball, Tennessee and utilized as deemed appropriate by the Mayor and Board of Alderman.

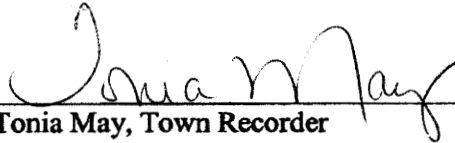
**SECTION 3:** Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 4:** This Ordinance shall take effect from and after the execution of said "Franchise Agreement for the Construction and Operation of a Communication Antenna Television System Within Kimball, TN." by all parties.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 4<sup>th</sup> day of May, 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading	<u>April 6</u> , 2006
Public hearing	<u>May 4</u> , 2006
Passed on second reading	<u>May 4</u> , 2006

## **CATV Franchise**

### **FRANCHISE AGREEMENT FOR THE CONSTRUCTION AND OPERATION OF A COMMUNICATION ANTENNA TELEVISION SYSTEM WITHIN KIMBALL, TN.**

Trinity Communications, LLC, a limited liability company, with offices at 302 Cedar Avenue, South Pittsburg, Tennessee, hereafter called "Grantee", is hereby granted the right and authority to build, construct, equip, own, maintain, and operate along, under and over present and future streets, roads, highways, alleys, and other public places within the Grantor limits of Kimball, Tennessee, such lines, wires, poles, cables, appurtenances, fixtures, and other apparatus as are reasonably necessary for the operation of said system under the following franchise contract:

#### **Section I - Definitions:**

As used in this contract, the following words shall have the meaning given herein:

- a) "Grantor" shall mean the City of Kimball, Tennessee.
- b) "Commission" shall mean the Commission for Kimball, Tennessee.
- c) "Community Antenna Television System" or "CATV System" is the broadband communications facility to be constructed, operated and maintained pursuant to this contract.
- d) "Grantee" means Trinity Communications, LLC.
- e) "FCC" shall mean the Federal Communications Commission of the United States.
- f) "Subscriber" means a purchaser of Video Service (as herein defined) delivered over the System.
- g) "Video Service" means the simultaneous delivery by the Grantee to television receivers (or any other suitable audio-video communications receiver) to Subscribers in Grantor's territory, of all video signals in the basic and expanded basic service tiers only.

#### **Section II - Privileges Granted:**

The Grantor hereby awards to the Grantee a non-exclusive Franchise and privilege to construct, operate, and maintain in, upon, along, across, above, over, and under the streets, alleys, public ways, and additions thereto, in the Grantor, poles, wires, cables, underground conduits, and other television conduits and fixtures necessary for the operation and maintenance in the Grantor of a CATV System, for a period of five (5) years from the effective date of this contract.

- a) All transmission and distribution structures, lines and equipment erected by the Grantee, shall be located so as not to interfere with the proper use of streets, alleys, and other public ways, and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places, and not to interfere with existing public utility installations. In all areas of the Grantor where the cables, wires, or other like facilities of public utilities are placed underground, the Grantee shall place its cables, wires, or other like facilities underground to the maximum extent technology reasonably permits.
- b) If the Grantee disturbs any pavements, sidewalks, driveways, surfacing, right-of-ways, or any other Grantor property, it shall, at its own expense, and in the manner provided by the Grantor, replace and restore all such paving, sidewalks, driveways, surfacing, right-of-ways, or other Grantor property, such as surfaces of streets or alleys, thus disturbed, and return any and all property to its condition immediately prior to being disturbed.
- c) If at any time during the term of the Franchise, the Grantor shall lawfully elect to alter or change the grade or location of any street, alley, or other public way, the Grantee shall, upon reasonable notice by the Grantor, remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures, at its own expense, and, in each instance, comply with all the requirements of the Grantor.
- d) The Grantee shall not place poles, conduits, or other fixtures above or below ground where the same will unreasonably interfere with any gas, electric, or telephone fixtures, water hydrant, or other utility, and such poles, conduits, or other fixtures placed in any street shall be placed so as to comply with all requirements of the Grantor.
- e) On request of any person holding a moving permit issued by the Grantor, the Grantee shall temporarily move its wires or fixtures to permit the moving of buildings or other objects, the expense of such temporary removal to be paid in advance by the persons requesting such removal. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.
- f) The Grantee shall have the authority to trim any trees upon and overhanging the streets, alleys, sidewalks, and public places of the Grantor so as to prevent the branches of such trees from coming into contact with the wires and cables of the Grantee.



### **Section III - Application to FCC:**

The Grantee shall make application to the FCC for all permits, licenses, or approvals required by law for the construction and operation of a CATV System and shall promptly and diligently pursue the granting of all FCC permits.

### **Section IV - Type and Capacity of Equipment and Standards of Service:**

- a) The Grantee shall engineer, install, maintain, operate and equip the CATV System herein provided so as to meet the technical standards of the FCC.
- b) The signals distributed by the Grantee shall be the best possible signals available under the best possible quality reception to each Subscriber.
- c) The System shall be designed and engineered for a minimum twenty (20)-channel capacity pursuant to FCC regulations.
- d) The System shall be designed and engineered with a capacity for two-way communications as provided in FCC regulations.
- e) The standards of equipment and service specified herein to be utilized and rendered by the Grantee are intended as a minimum standard and nothing herein shall be construed as an attempt to relieve the Grantee from complying fully with existing FCC regulations nor from meeting future standards of the FCC within the times for compliance specified by the FCC.

### **Section V - Subscriber Rates:**

- a) The Grantee will provide Video Service to its Subscribers at the lowest rates based on prudent business practices.
- b) Subject to FCC regulations and approval, where necessary, the Grantee may install and attach encoder-decoder devices to Subscribers' terminals so that Subscribers will be able to receive special CATV network, syndicated, or other than Video Service for which programming or services, a separate charge may be made.

### **Section VI - Service:**

- a) The Grantee shall initially distribute all current television signals disseminated to the general public by FCC-licensed television stations (including educational and foreign-language stations), which are currently distributed in the Grantor. However, the Grantee may add, delete, re-align, or alter its channel carriage at anytime during the term of the Franchise Agreement.

- b) The Grantee shall maintain at least one (1) specially designated channel for government and other uses and may provide such additional channels, as it may deem feasible and practical, so long as this does not conflict with the rules and regulations of the FCC and other public service programs already scheduled.
- c) Any channels not needed for transmission of FCC-licensed signals or public access or governmental use may be leased by Grantee, and channels not otherwise utilized at any given time shall be set aside for this purpose or other broadband communications purposes. The Grantee shall adopt reasonable rules and regulations relating to such use. No right of censorship shall be reserved by the Grantee, but the Grantee's rules shall forbid the presentation of illegal, obscene, or indecent matter and advertising matter not containing the necessary commercial or other required identification.
- d) The Grantee shall maintain a competent staff of employees sufficient to provide adequate and prompt service to its Subscribers. Except where an emergency requires a more expedient procedure, the Grantee will use its best effort to interrupt service for the purpose of repairing or upgrading the System only during periods of minimum use.

**Section VII - Compensation to the Grantor:**

- a) The Grantee, in consideration of the installation and use of the CATV System by any Subscriber or other user of the Grantee's CATV System or any other use of the services offered by Grantee, agrees to pay the Grantor a sum equal to five percent (5%) of revenues received by Grantee for Vidco Service only.

The above fee shall be payable in quarterly payments. Said payments shall be made within thirty (30) days of the close of each of the Grantee's fiscal quarters. The Grantee shall keep complete records of accounts showing dates and payments received.

- b) In the event this Franchise should be terminated or forfeited prior to the end of the basic five (5) year term, the Grantee shall immediately submit, upon request, to the Grantor a statement showing Video Service gross receipts of the Grantee for the time elapsed since the last period for which the Grantee has paid to the Grantor the required percentage of such gross quarterly receipts, and the Grantee shall pay to the Grantor no later than thirty (30) days following the termination of the Franchise a like percentage of such Video Service gross receipts.
- c) The Grantor shall have the right to inspect the Grantee's records showing its gross receipts for Video Service from which its Franchise payments are computed, and the right of audit and re-computation of any and all amounts paid under this franchise shall always be accorded to the Grantor. No acceptance of any payment by the Grantor shall be construed as a release of, or an accord of, or any satisfaction of any claim the Grantor might have for further or additional sums

payable under the terms of the ordinance, or franchise, or for any other performance or obligation of the Grantee hereunder.

- d) Payments of compensation made by the Grantee to the Grantor pursuant to the provisions of this ordinance shall not be considered in the nature of a tax but shall be in addition to any and all taxes which are now or hereafter required to be paid by any law of the United States or the Grantor.

#### **Section VIII - Indemnification and Insurance:**

- a) **Indemnity.** Grantee shall at its sole cost and expense fully indemnify, defend, and save harmless to the Grantor, its officers, counsel, commissions, employees, and agents against any and all claims, suits, actions, liabilities, and judgments for damages. These damages or penalties shall include, but shall not be limited to, including damages arising out of copyright infringement and all other damages arising out of the installation, operation, or maintenance of the CATV System authorized herein, whether authorized or not, any act or omission complained of is authorized, allowed, or prohibited by this Franchise. The Grantee shall pay, and by its acceptance of this Franchise specifically agrees that it will pay, all reasonable expense incurred by the Grantor in defending itself with regard to all damages and penalties mentioned above. The expenses shall include, but not be limited to, all reasonable out-of-pocket expenses such as attorneys' fees and shall include the reasonable value of any services rendered by the Grantor Attorney or his assistants or any employee of the Grantor.
- b) **Liability Coverage.** It is expressly understood and agreed between the Grantee and the Grantor that the Grantee shall save the Grantor and its officials harmless from all loss sustained by the Grantor or them or any of them on account of any suit, judgment, execution, claim or demand whatsoever arising out of the construction, operation and maintenance of the system by the Grantee. The Grantee agrees to maintain and keep in full force and effect during all times during the term of this Franchise Agreement sufficient liability insurance coverage to protect the Grantor from any such claims, suits, judgments, executions or demands in a sum not less than \$1,000,000 per person in any one claim and \$2,000,000 to cover any one accident or occurrence, and not less than \$1,000,000 for property damage as to any accident or occurrence, together with excess liability coverage in umbrella form in the amount of \$5,000,000, or in such larger sums on all coverages as may be required of the Grantee by any other public utility in the City. The Grantor shall be named as an additional insured on all such policies.
- c) **Workers' Compensation Coverage.** The Grantee shall maintain in full force and effect throughout the duration of this Franchise Agreement sufficient workers' compensation insurance coverage to adequately and fully protect its agents and employees as required by law. The Grantee further covenants and agrees with the Grantor that any and all employees and agents of the Grantee shall not be deemed

to be employees or agents of the Grantor at any time, and the Grantee further agrees to indemnify and hold harmless the Grantor from liability arising out of the negligent acts of any such employees or agents of the Grantee.

- d) Resident Company. All insurance policies and bonds as are required of the Grantee in this Franchise Agreement shall be written by a company or companies authorized and qualified to do business in the State of Tennessee. Certificates of all coverage required shall be promptly filed by the Grantee with the Grantor.
- e) Insurance Policy (ies). The insurance policy (ies) obtained by the Grantee in compliance with this section shall be concurrently filed by the Grantee with Grantor, City Administrator. Grantee shall ensure that Grantor City Administrator is copied on any delinquency or termination notices as may be issued and as may be appropriate for receipt by a named additional insured on any such policy(ies) (recognizing that Grantor is and will be a named additional insured per sub paragraph (b), above).
- f) Section IX - Change of Control:

Grantee agrees to notify the Commission of any change in ownership or control of fifty percent (50%) or more.

#### **Section X - Filings of Communications with Regulatory Agencies:**

Upon specific request, copies of any petition, applications, and communications submitted by the Grantee to the FCC, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to this Franchise contract shall also be submitted to the Grantor.

#### **Section XI - Improving and Modifying CATV System:**

The Grantee shall maintain its CATV System in accordance with accepted industry and FCC technical standards and shall endeavor to make reasonable efforts to improve and modify its CATV System as technology and the state of the art permit.

#### **Section XII - Forfeiture:**

- a) The Grantor may declare a forfeiture of the Franchise herein granted in the event of a substantial violation of any of the terms hereof, upon written notice to the Grantee specifying the nature of the violation, unless such violations are corrected or cease to exist within sixty (60) days from the date of the written notice of same to the Grantee and only after a full hearing and due process.
- b) Notwithstanding the provisions of Sub-Section (a), the Grantee shall not be considered to be in default or in violation of any of the terms hereof if prevented from fulfilling such obligations or terms by reasons of uncontrollable forces. The

term "uncontrollable forces" shall be deemed for the purposes of this Franchise to mean earthquake, storm, lightning, flood, backwater caused by flood, fire, epidemic, accident, failure of facilities, war, riot, civil disturbance, strike, labor disturbances, restraint by court or public authority, or other similar or dissimilar causes beyond the control of the Grantee, which causes the Grantee could not have avoided by exercise of reasonable care. The Grantee, when unable to fulfill any obligation or term of this Franchise by reason of uncontrollable forces shall remove such disability with reasonable dispatch.

**Section XIII - Rights if Intervention:**

Neither party will oppose intervention by the other in any suit or proceeding to which either party has an interest.

**Section XIV - Conflicting Laws, Rules or Regulations:**

In the event the laws of the United States or the State of Tennessee or the rules and regulations of any agency of the United States or the State of Tennessee, whether presently in existence or hereafter enacted or set in force, are in conflict with any provisions (or portions thereof) of this Franchise, those provisions (or portions thereof) of this Franchise which are in conflict therewith shall be deemed so as to comply with said laws, rules and/ or regulations.

**Section XV - Removal of Facilities:**

At the end of the term of this Franchise contract or upon its termination prior to the end of the specified term, the Grantee, at the request of the Grantor and at the Grantee's expense, shall remove such facilities from all public property. Upon termination of service to any Subscribers, the Grantee shall promptly remove all of its facilities and equipment from the premises of such Subscriber upon his written request at no cost to the Subscriber.

**Section XVI - Severability:**

If any provision of the contract or Franchise, or the particular application thereof, shall be invalid, the remaining portion hereof and its application shall not be affected thereby.

**Section XVII - Conflicting Ordinances:**


All Grantor resolutions or parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.


**Section XVIII - Quotes of Rates and/ or Means of Compensation:**

All rates and/ or means of compensation to be earned by the Grantee and proposed by the Grantee as the rates or other charges to be paid by the Subscriber and/ or other user of the services provided by the Grantee shall be quoted in exact words and figures.

**Trinity Communications, LLC**

**Kimball, Tennessee**

  
\_\_\_\_\_  
James L Hunter  
President/General Manager

  
\_\_\_\_\_  
(Authorized Signature)

5-16-06  
\_\_\_\_\_  
(Date)

5-5-06  
\_\_\_\_\_  
(Date)

## ORDINANCE NO. 174

### AN ORDINANCE TO ENTER A CABLE FRANCHISE AGREEMENT WITH HELICON PARTNERS I.L.P., LOCALLY KNOWN AS CHARTER COMMUNICATIONS

Title Nine Chapter Two of the Kimball Municipal Code, along with other State and Federal Regulations, allow the Town of Kimball to enter into franchise agreements for providing cable television service within its Municipal limits; and

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interest of the citizens and residents of the Town of Kimball, Tennessee to enter into non-exclusive franchise agreements; and

**WHEREAS**, Helicon Partners I.L.P., Locally known as Charter Communications has submitted a proposed non-exclusive franchise agreement to be executed by the Town setting forth the rights, privileges and obligations of each of the parties therein; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that five year terms are in the best interest of the Town in order to regularly assess the services being provided; and

**WHEREAS**, the Board of Mayor and Aldermen have reviewed the contract attached to this Ordinance as Exhibit A and incorporated herein by reference and authorize the Mayor to execute said Agreement on behalf of the Town of Kimball, Tennessee.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

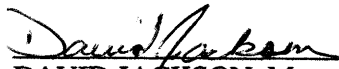
**SECTION 1:** The document entitled "Franchise/Agreement", attached hereto as Exhibit A and incorporated herein by reference, it is hereby approved by the Board of Mayor and Aldermen and the execution of said Agreement by the Mayor of the Town of Kimball, Tennessee is hereby ratified and confirmed.

**SECTION 2:** The monies resulting from the Franchise Fee collected pursuant to said "Franchise/Agreement" shall be deposited in the general fund of the Town of Kimball, Tennessee and utilized as deemed appropriate by the Mayor and Board of Alderman.

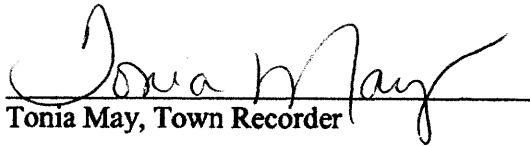
**SECTION 3:** Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**SECTION 4:** This Ordinance shall take effect from and after the execution of said "Franchise/Agreement" by all parties.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 4<sup>th</sup> day of May, 2006.

  
DAVID JACKSON, Mayor

ATTEST:

  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading      April 6, 2006  
Public hearing                May 4, 2006  
Passed on second reading    May 4, 2006



## FRANCHISE/AGREEMENT

This Franchise Agreement ("Franchise") is between the Town of Kimball, Tennessee hereinafter referred to as the "Grantor" and Helicon Partners I. L.P., locally known as CHARTER COMMUNICATIONS, hereinafter referred to as the "Grantee."

The Grantor hereby acknowledges that the Grantee has substantially complied with the material terms of the current Franchise under applicable law, and that the financial, legal, and technical ability of the Grantee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and having afforded the public adequate notice and opportunity for comment, desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein.

### 1. Definitions:

- a. "Cable Act" means the Cable Communications Policy Act of 1984, P.L. 98-549, 47 U.S.C. §521 Supp., as it may be amended or superseded.
- b. "Cable System," "Cable Service," "Cable Operator" and "Basic Cable Service" shall be defined as set forth in the Cable Act.
- c. "Council/Board" means the governing body of the Grantor.
- d. "Franchise" means the authorization granted hereunder of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a Cable System within the Service Area.
- e. "Gross Revenues" means any revenue, as determined in accordance with generally accepted accounting principles, received by the Grantee from the operation of the Cable System to provide Cable Services within the Service Area, provided, however, that such phrase shall not include any taxes, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a government agency, including the FCC User Fee, or credits, refunds or deposits made to Subscribers or unrecovered bad debt.
- f. "Service Area" shall mean the geographic boundaries of the Grantor.
- g. "Streets" means the public streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, alleys, all other rights-of-way and easements, and the public grounds, places or water within the geographic boundaries of Grantor.

h. "Subscriber" means any person lawfully receiving any Cable Service from the Grantee.

2. **Granting of Franchise.** The Grantor hereby grants to Grantee a non-exclusive Franchise for the use of the Streets and dedicated easements within the Service Area for the construction, operation and maintenance of the Cable System, upon the terms and conditions set forth herein. Nothing in this Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is not prohibited by federal or state law.

3. **Term.** The Franchise shall be for a term of five (5) years, commencing on the Effective Date of this Franchise as set forth in Section 14. and enter renewal negotiations under the Cable Act) at least three (3) years before the expiration of this Franchise. If such a notice is given, the parties will then proceed under the federal Cable Act renewal procedures.

4. **Use of the Streets and Dedicated Easements.**

- a. Grantee shall have the right to use the Streets of the Grantor for the construction, operation and maintenance of the Cable System, including the right to repair, replace and enlarge and extend the Cable System, provided that Grantee shall utilize the facilities of utilities whenever practicable.
- b. The facilities of the Grantee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Grantor, the Grantee shall likewise place its facilities underground.
- c. Grantee shall have the right to remove, trim, cut and keep clear of the Cable System, the trees in and along the Streets of the Grantor.
- d. Grantee in the exercise of any right granted to it by the Franchise shall, at no cost to the Grantor, promptly repair or replace any facility or service of the Grantor which Grantee damages, including but not limited to any Street or sewer, electric facility, water main, fire alarm, police communication or traffic control.

**5. Maintenance of the System.**

- a. Grantee shall at all times employ ordinary care in the maintenance and operation of the Cable System so as not to endanger the life, health or property of any citizen of the Grantor or the property of the Grantor
- b. All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.
- c. The Cable System shall be designed, constructed and operated so as to meet those technical standards adopted by the FCC relating to Cable Systems contained in part 76 of the FCC's rules and regulations as may, from time to time, be amended.

**6. Service.**

- a. The Grantee shall make Cable Service distributed over the Cable System available to every residence within the Service Area where there is a minimum density of at least *thirty (30)* residences per linear strand mile of cable (excluding any home subscribing to any satellite service) as measured from Grantee's closest trunk line or distribution cable that is actively delivering Cable Service as of the date of such request for service. If such residence is located within 125 feet of Grantee's feeder cable, the Cable Service will be provided at Grantee's published rates for standard installation. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, or into any annexed area which is not contiguous to the present Service Area of the Grantee. Grantee shall not be obligated to provide Cable Service into any area which is financially or technically infeasible.
- b. The Grantor shall provide prior notice to the Grantee of its annexation of any contiguous territory which is being provided Cable Service by the Grantee or its affiliates. Such annexed area will be subject to the provisions of the franchise which previously covered that area throughout the term of this Franchise, although the Grantor will replace the previous franchise authority. Grantee shall pay the Grantor franchise fees on revenue received from the operation of the Cable System to provide Cable Services in the Service Area and in any area annexed by the Grantor if the Grantor has provided written notice to the Grantee prior to the date of such annexation
- c. Grantee shall provide Basic Service and one free outlet to each of the following public facilities located within one hundred twenty-five (125) feet of existing service lines of the Grantee and within the jurisdictional limits of the Grantor: Town Hall, Fire Department, Police Department

and public schools and other public buildings owned or leased by Town of Kimball. No monthly service fee shall be charged for such outlet. Grantee shall provide Basic Service to new construction hereafter for similar public facilities; provided they are within one hundred twenty-five (125) feet of the existing service lines of Grantee.

**7. Insurance/Indemnity.**

- a. The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Franchise, Commercial General Liability Insurance in the amount of \$1,000,000 combined single limit for bodily injury and property damage. The Grantor shall be designated as an additional insured. Such insurance shall be noncancellable except upon thirty (30) days prior written notice to the Grantor. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.
- b. Grantee hereby agrees to indemnify and hold the Grantor, including its agents and employees, harmless from any claims or damages resulting from the actions of Grantee in constructing, operating or maintaining the Cable System. Grantor agrees to give the Grantee written notice of its obligation to indemnify Grantor within ten (10) days of receipt of a claim or action pursuant to this section. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify Grantor for any damages, liability or claims resulting from the willful misconduct or negligence of Grantor or for the Grantor's use of the Cable System.

**8. Revocation**

- a. Prior to revocation or termination of the Franchise, the Grantor shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have sixty (60) days from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If Grantee has not cured the breach within such sixty (60) day time period or if the Grantor has not otherwise received a satisfactory response from Grantee, the Grantor may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least thirty (30) days prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.
- b. At the hearing, the Grantor shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked.

The public hearing shall be on the record and a written transcript and a certified copy of the findings shall be made available to the Grantee within ten (10) business days. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Grantor *de novo*.

- c. Upon revocation of the Franchise, Grantee may remove the Cable System from the Streets of the Grantor, or abandon the Cable System in place.

9. **Equal Protection**

- a. The Grantor agrees that any grant of additional franchises, licenses, consents, certificates or other authorizations by the Grantor to any other Person(s) to provide Cable Services, video services, or other television services utilizing any system or technology requiring use of the public rights of way, shall require that service be provided for the same territorial area of the Grantor as required by this Franchise and shall be competitively neutral and not be on terms and conditions (including, without limitation, the service area, PEG capital grants and the franchise fee obligations) more favorable or less burdensome to the Person(s) of any such additional franchise, licenses, certificates or other authorizations, than those which are set forth herein.

If another provider of Cable Services, video services or other television services utilizing any system or technology requiring use of the public rights of way in the Service Area, is lawfully authorized by any governmental entity or otherwise exempt from obtaining a franchise to provide such services Grantor hereby agrees that, upon a request from Grantee, as a matter of law, Grantee's Franchise is modified within thirty (30) days of the granting of such authorization or exemption for the purpose of establishing the same terms and conditions as such Person(s) on a competitively neutral basis.

- b. In the event federal, state or local law, rules or regulations are amended, modified or created that have the lawful effect of modifying the terms and conditions of this Franchise, during the Term or any extension thereof, then the parties shall modify this Franchise in such a way that is mutually agreeable to both parties. Grantee shall have the right to terminate this Franchise in the event Grantor and Grantee fail to mutually agree to modifications to Grantee's Franchise within sixty (60) days from the commencement of such modification negotiations
- c. Grantee shall have the right to terminate this Franchise and all obligations hereunder with ninety (90) days written notice to the Grantor, if Grantee

does not in good faith believe it has maintained a commercially feasible level of Subscriber penetration on Grantees Cable System. Grantee may consider Subscriber penetration levels outside the Franchise Area and other relevant considerations in making this determination. Notice to terminate under this Section shall be given to the Grantor in writing, with such termination to take effect no sooner than one hundred and twenty (120) days after giving such notice. Grantee shall also be required to give its then current Subscribers not less than ninety (90) days prior written notice of its intent to cease operations.

**10. Confidentiality.** If Grantee provides any books and records to the Grantor, the Grantor agrees to treat as confidential such books, records or maps that constitute proprietary or confidential information. Until otherwise ordered by a court or agency of competent jurisdiction, the Grantor agrees that, to the extent permitted by State and federal law, it shall deny access to any of Grantee's books and records marked confidential to any Person.

**11. Notices, Miscellaneous.**

- a. Every notice served upon the Grantor shall be delivered or sent by certified mail, return receipt requested, to:

Office of the Mayor  
675 Main Street  
Kimball, TN 37347

and every notice served upon Grantee shall be delivered or sent by certified mail, return receipt requested, to:

Charter Communications  
1774 Henry G. Lane  
Maryville, TN 37801  
Attention: VP/General Manager

With a copy to:

Charter Communications  
12405 Powerscourt Drive  
St. Louis, MO 63131  
Attention: Vice President of Government Affairs

With a copy to:

Charter Communications

11 Commerce Road  
Newtown, CT 06470  
Attn: VP of Government Relations

- b. All provisions of this Franchise shall apply to the respective parties, their lawful successors, transferees and assigns.
- c. If any particular section of this Franchise shall be held invalid, the remaining provisions and their application shall not be affected thereby.
- d. In the event of any conflict between this Franchise and any Grantor ordinance or regulation, this Franchise will prevail.

12. **Force Majeure.** The Grantee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

13. **Franchise Fee.**

- a. Grantee shall pay to the Grantor annually an amount equal to three percent (3%) of the Gross Revenues for such calendar year.
- b. Each year during which the Franchise is in force, Grantee shall pay Grantor no later than sixty (60) days after the end of each calendar year the franchise fees required by this section, together with a financial statement showing total Gross Revenues derived from the Cable System during such year. The Grantor shall have the right to review the previous year's books of the Grantee to the extent necessary to ensure proper payment of the fees payable hereunder.

14. **Effective Date.** The Franchise granted herein will take effect and be in full force from such date of acceptance by Grantee recorded on the signature page of this Franchise. This Franchise shall expire on Nov 1, 2011 unless extended in accordance with Section 3 of this Franchise or by the mutual agreement of the parties.

15. **Acceptance and Entire Agreement.** The Grantor and the Grantee, by virtue of the signatures set forth below, agree to be legally bound by all provisions and conditions set forth in this Franchise. The Franchise constitutes the entire agreement between the

Grantor and the Grantee. No modifications to this Franchise may be made without an appropriate written amendment signed by both parties

Considered and approved this 5 day of May, 2006

[Grantor]

Signature: David Jackson

Name/Title David Jackson Mayor

Accepted this \_\_\_\_ day of \_\_\_\_, 2006, subject to applicable federal, state and local law.

Helicon Partners I. L.C., I/k/a Charter Communication

Signature: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_



# ORDINANCE NO. 175

## ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TO MAKE IT UNLAWFUL TO POSSESS AN OPEN CONTAINER OF ANY ALCOHOLIC BEVERAGE WHILE A PASSENGER IN A VEHICLE OPERATED WITHIN THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, Tennessee Code 55-10-416 creates the state offense of making it illegal to possess an open container of an alcoholic beverage or beer while operating a motor vehicle in this State; and

**WHEREAS**, said statute specifically allows subdivisions of the State of Tennessee to enact any ordinances it sees fit prohibiting the passenger in a motor vehicle for consuming or possessing an open alcoholic beverage or beer; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that the consumption of alcohol in vehicles and on public property contributes to the increase of risk to the health and safety of the citizens of the Town of Kimball, and that it should no longer be allowed.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that Title 11, Chapter 1 of the Kimball Municipal Code shall be amended as follows:

**SECTION 1:** Title 11, Chapter 1 of the Kimball Municipal Code shall be amended by the deletion of the entire chapter and replacing it as follows:

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to possess or consume any alcoholic beverage on or in the premises of any property belonging to the Town of Kimball, Tennessee. Said prohibition shall apply to both open and closed containers of alcoholic beverages.

11-102. It shall be unlawful to possess an open container of any alcoholic beverage or to consume any alcoholic beverage while on any public highway, sidewalk, shopping center, public parking lot or any property frequented by the public.

11-103. It shall be unlawful for any person, while a passenger in any motor vehicle, to possess an open container of any alcoholic beverage or beer or consume any alcoholic beverage or beer while on any public highway, sidewalk, shopping center, public parking lot or any area frequented by the public within the boundaries of the Town of Kimball, Tennessee.

11-104. Violation and Penalty. Any person found to be in violation of this Chapter shall be guilty of a civil offense and shall, upon conviction, be fined a civil penalty in an amount not more than \$50.00 for each

offense. The municipal judge may also order the suspension of any person convicted of Section 11-101 from using the Town's recreational and community facilities.

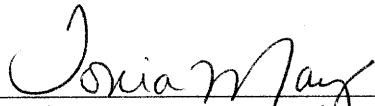
**SECTION 2:** Should any provision of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining provisions are severable and shall remain in full force and effect.

**SECTION 3:** This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 1<sup>st</sup> day of June, 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading May 4, 2006

Public hearing June 1, 2006

Passed on second reading June 1, 2006

# ORDINANCE NUMBER 176

## AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE REGULATING VICIOUS DOGS.

**WHEREAS**, Title 10 Chapter 2 of the Kimball Municipal Code contains provisions regarding the control of dogs within the town of Kimball, Tennessee; and

**WHEREAS**, vicious dogs represent a potential danger to citizens and other animals; and

**WHEREAS**, regulations and control of vicious dogs is needed to protect citizens and other small animals; and

**WHEREAS**, the Board of Mayor and Aldermen have determined the Municipal Code should be amended to toughen the regulation of vicious dogs.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the following regulations are enacted to provide for the safety and health of its citizens:

**SECTION 1:** Title 10, Chapter 2 shall be amended by the deletion of Section 206 in its entirety and by adding the following as the new Section 206.

### **10-206 Vicious Dogs**

#### **A. DEFINITIONS.**

(1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

(2) "Vicious dog" means: (a) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or (b) Any dog which because of its size, physical nature, and vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or (c) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or (d) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or (e) Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

(3) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of 11 gauge wire, or stronger and inspected and approved by the animal control officer or the codes and health administrator. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

**B. CONFINEMENT.** The owner of a vicious dog shall not permit the dog to go unconfined.

(1). Leash and Muzzle. The owner of a vicious dog shall not permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

**C. SIGNS.** The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

**D. INSURANCE.** Owners of vicious dogs must provide proof to the finance director of liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by his or her vicious dog.

**E. ANIMAL CONTROL OFFICER.** Any police officer of the Town of Kimball, Tennessee shall have the authority to enforce this chapter without a warrant if he observes a violation occurring in his presence. He shall also have the authority to impound animals as authorized in the municipal code.

**F. IMPOUNDMENT AND DESTRUCTION.** The city judge may order the impoundment and destruction of a dog where: (1) The dog has attacked, bitten or injured a human being or domestic animal or; (2) The dog is a vicious dog as defined herein and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined herein, or; (3) All fines or costs imposed under this ordinance have become final orders, and remain unpaid or; (4) The dog poses a threat of serious harm to the public health or safety.

**G. NOTICE OF IMPOUNDMENT.** Within five (5) days after impoundment, the animal control officer shall notify, if possible, the dog's owner in writing of the impoundment.

**H. HEARING ON IMPOUNDMENT/DESTRUCTION.** (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing to contest the impoundment. (2) The hearing shall be before the city judge within fifteen business days after receipt of the request. The animal control officer shall provide notice of the date, time and location of the hearing to the dog owner by certified mail, and to the complainant by regular mail. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses. (3) After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner conditioned on the owner complying with the requirements set forth in this chapter or with any other requirements necessary to protect the public health or safety. (4) If the owner of an impounded dog fails to appear at a hearing, or fails to request a hearing within the allotted time, the dog may be destroyed.

**I. CHANGE OF OWNERSHIP.** (1)(a) Any owner of a vicious dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten business days after the change of ownership or residence, provide written notification to the Kimball Police Department of the name, address and telephone number of the new owner. (b) The person transferring ownership or custody of the dog must provide written notification of the dog's classification as vicious to the person receiving the dog. The previous owner shall furnish a copy of such notification to the Police Department along with written acknowledgment by the new owner of its receipt of the notification. (c) The Chief of Police shall notify the mayor and board of commissioners and the police department of any changes in ownership, custody or residence of the dog within three business days after receiving the required information from the previous dog owner.


(b) A person receiving a dog classified as vicious must obtain the required proof of insurance and method of confinement prior to acquisition of the dog.

**J. PENALTIES.** Whoever violates any provision of this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed fifty dollars (\$50.00) per day for each violation in addition to other penalties that may be imposed by the city judge.

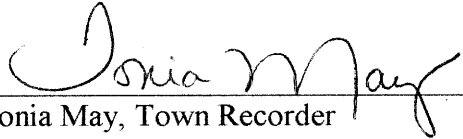
**SECTION 2:** Should any provision of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining provisions are severable and shall remain in full force and effect.

**SECTION 3:** This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 1<sup>st</sup> day of June, 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading      May 4, 2006  
Public hearing                June 1, 2006  
Passed on second reading    June 1, 2006

# ORDINANCE NO. 177

## ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE 9 TO SET FORTH PROCEDURES FOR CONDUCTING ROAD BLOCKS IN THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, by Ordinance No. 137, the Town of Kimball, Tennessee amended Section 9-101 at C to the Kimball Municipal Code to set forth permitting requirements of procedures for peddlers, solicitors, etc. in the Town of Kimball, Tennessee; and

**WHEREAS**, after imposition of said procedures, certain problems developed with regard to the permitting process that needed to be addressed, such as the type of organizations allowed to obtain said permits as well as the days and/or times available for peddlers, solicitors, etc. to conduct road blocks; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that any solicitor for charitable or religious purposes under the Act should be amended and limited to organizations with specific local ties and that said road blocks should only be conducted between the hours of 8:00 a.m. and 3:00 p.m. on Saturdays.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** Kimball Municipal Code Section 9-106(1) shall be amended by the addition of a new subsection (e), which provides as follows:

- (e) Any charitable, religious or school organization shall have immediate local connection by either being based within twenty-five (25) miles of the Town of Kimball, Tennessee, benefit directly a citizen or resident of Marion County, Tennessee, or be a nationally recognized charitable organization.
- (f) All road blocks conducted under this section shall be held between the hours of 8:00 a.m. and 3:00 p.m. on Saturdays, and at no other time unless agreed upon by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee.

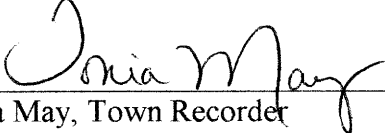
**SECTION 2:** Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts are severable and remain in full force and effect.

**SECTION 3:** This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 15<sup>th</sup> day of June, 2006.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading May 24, 2006  
Public hearing June 1, 2006  
Passed on second reading June 1, 2006



**ORDINANCE NO. 178**

**AN ORDINANCE TO AMEND ORDINANCE NO. 166 CONCERNING THE BUDGET FOR THE YEAR 2005-2006 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 1<sup>st</sup> day of July, 2005, as set forth in Ordinance 166, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, both in revenues and expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2005-2006, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendments to the budget set forth as

<b>FUND</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>GENERAL FUND</b>			
<b>INCREASE REVENUES</b>			
31610 Local Sales Tax	\$1,000,000.00	\$20,000.00	\$1,020,000.00
<b>DECREASE EXPENDITURE</b>			
41810 920 Building Improvements	\$200,000.00	-\$73,200.00	\$126,800.00
<b>INCREASE EXPENDITURE</b>			
51652 001 Transfer out to Sewer Fund	\$0.00	\$73,200.00	\$73,200.00
41990 287 Fireworks Festival	\$70,000.00	\$20,000.00	\$90,000.00
<b>** TO PAY OFF DIVISION OF BOND FINANCE SEWER LOAN</b>			
<b>SEWER FUND</b>			
<b>INCREASE REVENUES</b>			
37990 Transfer In from General Fund	\$1,500.00	\$73,200	\$74,700.00


**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**Section 1:** That Ordinance 166 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 166, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2005-2006.

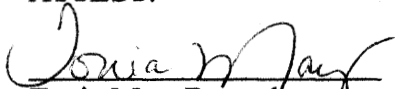
**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 29<sup>th</sup> day of June, 2006.

  
David Jackson, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading June 8, 2006.

Passed on Second Reading June 29, 2006.

**ORDINANCE NO. 179**

**AN ORDINANCE TO ADOPT THE BUDGET FOR  
THE TOWN OF KIMBALL, TENNESSEE  
FISCAL YEAR 2006-2007**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have carefully reviewed all expected revenues and necessary expenditures for operation of the various offices and departments of the Town of Kimball for the fiscal year 2006-2007.


**WHEREAS**, based on projected revenues and expenses, the Board of Mayor and Aldermen have determined that the tax rate shall remain at \$0.10 per \$1000 of assessed value; and

**WHEREAS**, the budget setting forth the general categories of expenditures is required by the state law.

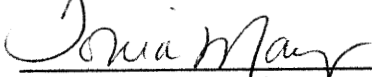
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

- SECTION 1:** The schedule of revenues and expenditures as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2006-2007.
- SECTION 2:** The real property tax rate for the Town of Kimball, Tennessee shall remain at \$0.10 per \$1,000 dollars of assessed value.
- SECTION 3:** That should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.
- SECTION 4:** That this ordinance shall take effect and be in force from and after July 1, 2006, the public welfare of the Town of Kimball requiring it.


**PASSED AND APPROVED** by the Mayor and Board of Aldermen on the second and final reading on the 29<sup>th</sup> day of June, 2006.

  
David Jackson, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading June 8, 2006.

Passed on Second Reading June 29, 2006.

# Budget for 2006-2007

*Town of Kimball*

*675 Main Street*

*Kimball, TN 37347*

*Phone: 423-837-7040*

*Fax: 423-837-1039*

*[www.townofkimball.com](http://www.townofkimball.com)*

# Table of Contents

	<b>Page</b>
<b>Officials and Employees</b>	<b>3</b>
<b>Budget Overview</b>	<b>4</b>
<b>Budget Overview for the State Street Aid, Drug and Sewer Funds</b>	<b>5</b>
<b>Revenue Overview</b>	<b>6</b>
<b>Revenue Chart for General Fund</b>	<b>7</b>
<b>Expenses Overview</b>	<b>8</b>
<b>Expense Chart for General Fund</b>	<b>9</b>
<b>General Fund Budget</b>	<b>10</b>
<b>State Street Aid Fund Budget</b>	<b>20</b>
<b>Drug Fund Budget</b>	<b>21</b>
<b>Sewer Fund Budget</b>	<b>22</b>
<b>Final Statements</b>	<b>23</b>

**Elected Officials**

David Jackson, Mayor  
John "Butch" Witcher, Vice-Mayor  
Rance Castle, Alderman  
John "Jack" Keef, Alderman  
Rex Pesnell, Alderman

**Town Office**

Tonia May, Recorder  
Peggy Thomas, City Clerk  
Sharon Case, Receptionist

**Police Department**

Tommy Jordan, Police Chief  
Gregory W. Rowe, Lieutenant  
Timothy Allison, Sergeant  
Donny Basham, Sergeant  
George W. Stephens, Jr., Sergeant  
Doug Gouger, Police Officer  
Crystal Hansard Police Officer  
Chris Webb, Police Officer  
Dale Winters, Police Officer

**Maintenance Department**

Marion Toney, Supervisor  
Arlin Brewer, Assistant Supervisor  
Ralph Durham, Maintenance Worker  
Don Ellis, Maintenance Worker  
Michael Nelson, Maintenance Worker

**Fire Department**

Jeff Keef, Fire Chief

**Attorney of Law**

Kevin Featherston, Attorney

**City Judge**

William Gouger, Jr., Judge

**Building Inspector**

Ronnie Blevins, Inspector

## BUDGET OVERVIEW FOR THE GENERAL FUND

The town is estimating total revenues of \$2,222,100. This amount includes a \$500,000 CDBG Grant for sewer line extensions.

The town is estimating total expenses to be \$2,759,400. The expenses for the CDBG Grant are included in this total with a total of \$630,000 to extend the sewer lines up Kimball Cove Road to North Kingsberry with the town's portion being \$130,000.

Currently we have a total of three full time office staff, five full time maintenance workers with the intent to hire a full time supervisor, eight patrolmen and one police chief.

The town has approved to increase each full time employee's salary by a total of \$500 for the fiscal year 2006-2007 and increase the number of holidays from 9 to 11. The two new holidays will be Veteran's Day and the day after Thanksgiving.

The town will continue to pay the total portion for employees' health and dental benefits and pay 70% for the family portion of health insurance and 50% of the family portion of dental insurance. Also, the town pays for a \$15,000 life and accidental death and dismemberment policy and for long term disability insurance for all full time employees.

The dispatching services have increased \$15,000 for the fiscal year with a total of \$65,000 being budgeted to pay for the Marion County Sheriff's Department to do dispatching for our police, fire and rescue departments.

Included is the long term debt for the town: the final payment on the eight patrol cars and a payment for the land at 3591 Industrial Boulevard. After this land payment, we will have one more.

There is the continuation of the Kimball Fireworks Festival Budgeted for this fiscal year in the amount of \$70,000. Chris Cagle will be the main act for our September 2, 2006 festival. The day will start at 9:00 am and conclude the evening with fireworks.

Future projects include building two small restrooms on 3591 Industrial Boulevard near the existing barn. Also, work on the property to install ball fields, concessions and restrooms, soccer fields and parking for an estimated \$150,000.

There is a continuation for road materials and repairs. The town tries to keep all the city streets in good condition by paving those in need and a few each year. The cost of petroleum will have an increasing effect on paving costs for this fiscal year. A total of \$75,000 has been budgeted.

Overall, the budgeted expenses are similar to prior years.

The town estimates to have a fund balance of \$1,286,454 at the beginning of July 2006 and anticipate ending with an estimated \$749,154. The town plans to use about \$537,300 of the fund balance to pay for expenses throughout the year.



**BUDGET OVERVIEW FOR THE STATE STREET AID, DRUG, AND SEWER FUND**

**State Street Aid**

The State Street Aid Fund has budgeted Revenues and Expenses the same at a total of \$36,800. The majority of the revenue is from the State Gas Tax and the expenses pays on the street lights. The State Street Aid anticipates a beginning and ending fund balance of \$27,802.

**Drug**

The Drug Fund estimates revenues to be \$1,500. The revenues are from those charged by Kimball Police Officers with drug possession with half the fines paid to Kimball going into the Drug Fund Restricted Checking Account. The Kimball Police Department plans to purchase another Taser unit and two radar guns which are eligible items to be purchased from this fund. The total of \$6,500 for expenses in the Drug Fund. The Drug Fund anticipates a beginning fund balance of \$7,558 and ending with \$2,558.

**Sewer**

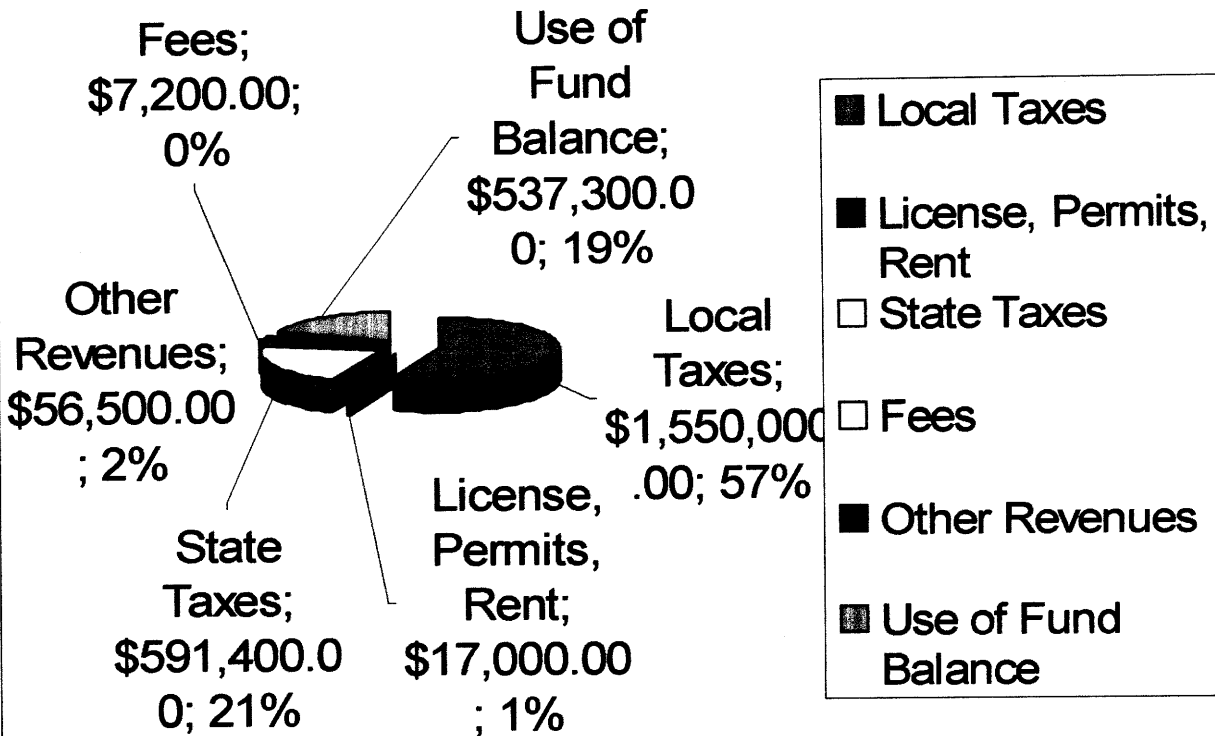
The Sewer Fund has set total revenues and expenses at \$45,000. The majority of revenues for this fund are service charges. The majority of the expenses are for depreciation with a total of \$25,530. All other expenses are in line with prior years.

REVENUE OVERVIEW:

Summary of Resources  
By Type and Fund

Revenue Source	2004/2005 Actual	2005/2006 Projected	2006/2007 Budgeted	2006/2007 % of Total
<b>General Fund</b>				
Local Taxes	\$1,683,090.00	\$1,843,370.00	\$1,550,000.00	56.17%
License, Permits, Rent	\$21,830.00	\$19,603.00	\$17,000.00	0.62%
State Taxes	\$93,325.00	\$110,431.00	\$591,400.00	21.43%
Fees	\$7,081.00	\$8,090.00	\$7,200.00	0.26%
Other Revenues	\$564,223.00	\$84,067.00	\$56,500.00	2.05%
Use of Fund Balance	\$216,308.00	\$63,851.00	\$537,300.00	19.47%
<b>General Fund Total</b>	<b>\$2,585,857.00</b>	<b>\$2,129,412.00</b>	<b>\$2,759,400.00</b>	<b>100.00%</b>
<b>State Street Aid Fund</b>				
State Taxes	\$37,203.00	\$37,016.00	\$36,700.00	99.73%
Other Revenues	\$100.00	\$97.00	\$100.00	0.27%
<b>State Street Aid Fund Total</b>	<b>\$37,303.00</b>	<b>\$37,113.00</b>	<b>\$36,800.00</b>	<b>100.00%</b>
<b>Drug Fund</b>				
Fines	\$1,637.00	\$1,081.00	\$1,500.00	100.00%
<b>Drug Fund Total</b>	<b>\$1,637.00</b>	<b>\$1,081.00</b>	<b>\$1,500.00</b>	<b>100.00%</b>
<b>Sewer Fund</b>				
Service	\$38,633.00	\$43,489.00	\$36,000.00	80.00%
Tap Fees	\$1,000.00	\$2,000.00	\$1,000.00	2.22%
Other Revenues	\$9,310.00	\$76,584.00	\$8,000.00	17.78%
<b>Sewer Fund Total</b>	<b>\$48,943.00</b>	<b>\$122,073.00</b>	<b>\$45,000.00</b>	<b>100.00%</b>
<hr/>				
<b>GRAND TOTAL</b>	<b>\$2,673,740.00</b>	<b>\$2,289,679.00</b>	<b>\$2,842,700.00</b>	
<hr/>				

# All General Fund Revenues By Source



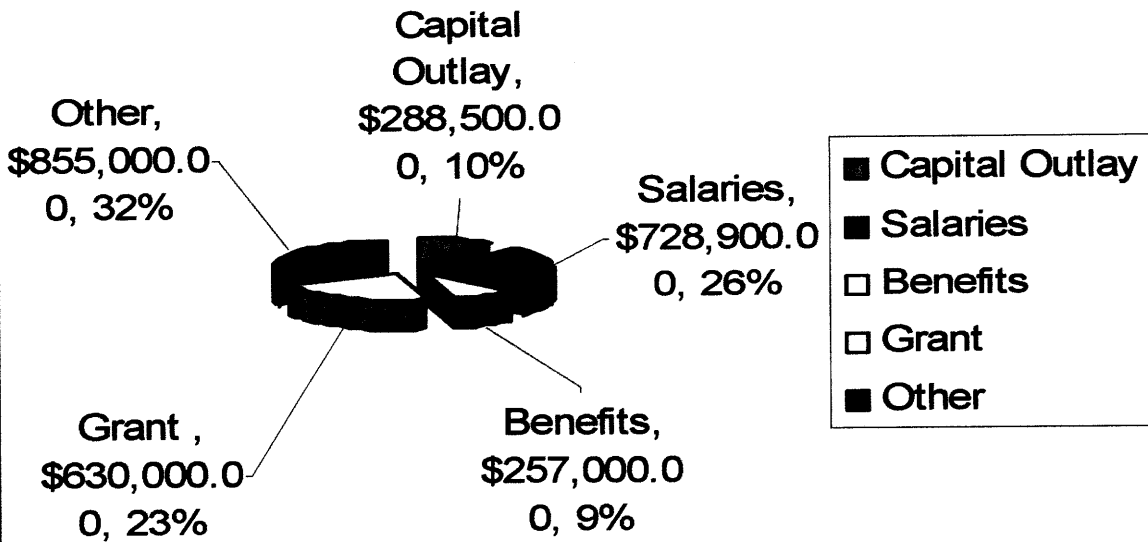
Revenue Source	2006/2007 Budgeted	2006/2007 % of Total
<b>General Fund</b>		
Local Taxes	\$1,550,000.00	56.17%
License, Permits, Rent	\$17,000.00	0.62%
State Taxes	\$591,400.00	21.43%
Fees	\$7,200.00	0.26%
Other Revenues	\$56,500.00	2.05%
Use of Fund Balance	\$537,300.00	19.47%
<b>General Fund Total</b>	<b>\$2,759,400.00</b>	<b>100.00%</b>

EXPENDITURE OVERVIEW:

**Summary of Expenses  
By Department and Budgeted Fund**

<b>Expenditure Source</b>	<b>2004/2005 Actual</b>	<b>2005/2006 Projected</b>	<b>2006/2007 Budgeted</b>	<b>2006/2007 % of Total</b>
<b>General Fund</b>				
Town Hall Wages Board and Office Employees	\$108,172.00	\$145,420.00	\$153,500.00	5.56%
City Hall Buildings	\$434,800.00	\$147,413.00	\$107,500.00	3.90%
Other General Expenses	\$941,922.00	\$902,027.00	\$1,534,800.00	55.62%
Police Department	\$576,365.00	\$401,291.00	\$404,800.00	14.67%
Fire Department	\$27,105.00	\$182,030.00	\$42,500.00	1.54%
Animal Control	\$0.00	\$55.00	\$300.00	0.01%
Rescue Squad	\$6,458.00	\$3,597.00	\$9,900.00	0.36%
Highways and Streets	\$174,849.00	\$178,526.00	\$207,150.00	7.51%
Sanitation	\$99,553.00	\$95,936.00	\$134,950.00	4.89%
Parks and Recreation	\$0.00	\$0.00	\$164,000.00	5.94%
Transfer Out	0.00	73,117.00	0.00	0.00
<b>General Fund Total</b>	<b>\$2,369,224.00</b>	<b>\$2,129,412.00</b>	<b>\$2,759,400.00</b>	<b>100.00%</b>
<b>State Street Aid Fund</b>				
Street Lights	\$35,814.00	\$36,625.00	\$36,800.00	100.00%
<b>State Street Aid Fund Total</b>	<b>\$35,814.00</b>	<b>\$36,625.00</b>	<b>\$36,800.00</b>	<b>100.00%</b>
<b>Drug Fund</b>				
Operating Supplies	\$3,300.00	\$0.00	\$6,500.00	100.00%
<b>Drug Fund Total</b>	<b>\$3,300.00</b>	<b>\$0.00</b>	<b>\$6,500.00</b>	<b>100.00%</b>
<b>Sewer Fund</b>				
Salaries	\$964.00	\$530.00	\$1,200.00	2.67%
Utilities	\$4,934.00	\$4,397.00	\$5,000.00	11.11%
Maintenance	\$1,084.00	\$6,203.00	\$7,100.00	15.78%
Professional fees	\$6,398.00	\$6,430.00	\$5,500.00	12.22%
Depreciation	\$24,984.00	\$24,984.00	\$25,530.00	56.73%
Other	\$9,072.00	\$154,052.00	\$670.00	1.49%
<b>Sewer Fund Total</b>	<b>\$47,436.00</b>	<b>\$196,596.00</b>	<b>\$45,000.00</b>	<b>100.00%</b>
<b>GRAND TOTAL</b>	<b>\$2,455,774.00</b>	<b>\$2,362,633.00</b>	<b>\$2,847,700.00</b>	

## 2006/2007 Budgeted



Expenses	2006/2007 Budgeted	% of Total
Capital Outlay	\$288,500.00	10.46%
Salaries	\$728,900.00	26.42%
Benefits	\$257,000.00	9.31%
Grant	\$630,000.00	22.83%
Other	\$855,000.00	30.98%
<b>Grant Total</b>	<b>\$2,759,400.00</b>	<b>100.00%</b>

ACCOUNT NUMBER	REVENUE	CPA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
31110	Real and Personal Property Tax	\$39,752	\$38,050	\$46,011	\$45,000
31211	Property Tax Delinquent 1st Year	\$1,284	\$1,200	\$997	\$100
31219	Property Tax Delinquent Other Prior Years	\$264	\$250	\$212	\$200
31320	Interest and Penalty on Property Taxes	\$269	\$300	\$285	\$200
31610	Local Sales Tax – Co. Trustee	\$1,300,468	\$1,020,000	\$1,432,282	\$1,200,000
31710	Wholesale Beer Tax	\$69,993	\$82,000	\$84,759	\$82,000
31820	Gross Receipt Tax (Business License)	\$107,444	\$90,000	\$119,499	\$95,000
31912	Cable TV Franchise Tax	\$4,336	\$2,200	\$6,659	\$2,500
31920	Room Occupancy Tax	\$139,260	\$115,800	\$152,666	\$125,000
	<b>SUB TOTAL - LOCAL TAXES</b>	\$1,683,090	\$1,349,900	\$1,843,370	\$1,550,000

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
32210	Beer Licenses		\$1,700	\$1,500	\$2,250	\$1,500
32610	Building Permits		\$10,403	\$9,000	\$8,718	\$8,000
32611	Ambulance Rent		\$3,250	\$3,000	\$2,750	\$3,600
32612	911 Rent		\$4,872	\$2,400	\$2,400	\$2,400
32710	Sign Permits		\$1,605	\$1,000	\$3,485	\$1,500
	<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>		\$21,830	\$16,900	\$19,603	\$17,000
33110	Community Block Grant - Sewer Line Ext.		\$0	\$0	\$0	\$500,000
33400	State Grants - Interstate Lights & Fire Grant		\$0	\$0	\$0	\$0
33501	Telecommunications		\$215	\$200	\$237	\$200
33320	TVA Payments in Lieu of Taxes		\$9,292	\$8,000	\$9,538	\$8,000
33610	State Sales Tax		\$79,734	\$75,000	\$86,760	\$75,000
33620	State Income Tax		\$490	\$1,000	\$466	\$500
33630	State Beer Tax		\$643	\$600	\$652	\$600
33652	State-City Streets and Transport		\$2,951	\$2,500	\$2,923	\$2,500
33659	State- Police-Supplement Pay		\$0	\$4,800	\$9,855	\$4,600
	<b>SUB TOTAL - STATE TAXES</b>		\$93,325	\$92,100	\$110,431	\$591,400

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CFA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
34121	Clerks' Fees – Business Tax		\$659	\$500	\$700	\$500
34240	Accident Report Charges		\$710	\$800	\$810	\$700
34400	Sanitation – Charges for Service		\$5,712	\$6,000	\$6,580	\$6,000
	<b>SUB TOTAL – FEES</b>		\$7,081	\$7,300	\$8,090	\$7,200
35110	City Court Fines and Costs		\$26,340	\$20,000	\$29,767	\$22,000
36100	Interest Earnings		\$7,108	\$16,000	\$25,328	\$18,000
36220	Lease of Property - Powertel & Signal One		\$6,900	\$8,900	\$8,900	\$7,500
36330	Sale of Equipment		\$4,451	\$0	\$305	\$0
36512	Sale of Gasoline		\$0	\$0	\$0	\$0
36600	Concessions		\$0	\$3,000	\$2,828	\$3,000
36710	Contributions and Donations - Fire Dept		\$320	\$0	\$750	\$0
36720	Contributions & Donations - Fireworks Festival		\$1,000		\$9,600	\$3,000
36990	Miscellaneous		\$5,826	\$3,000	\$6,589	\$3,000
36930	Sale of Notes		\$432,278	\$0	\$0	\$0
	<b>SUB TOTAL - OTHER REVENUES</b>		\$564,223	\$50,900	\$84,067	\$56,500
<b>Total Revenues</b>			<b>\$2,369,549</b>	<b>\$1,917,000</b>	<b>\$2,089,561</b>	<b>\$2,232,100</b>
	<b>Fund Balance (REVENUES-EXPENSES)</b>		<b>-\$216,308</b>	<b>(\$677,000)</b>	<b>(\$63,851)</b>	<b>(\$537,300)</b>
	<b>Fund Balance - Beginning of year</b>		<b>\$1,566,612</b>	<b>\$1,350,305</b>	<b>\$1,350,305</b>	<b>\$1,286,454</b>
	<b>Fund Balance - End of year</b>		<b>\$1,350,305</b>	<b>\$673,305</b>	<b>\$1,286,454</b>	<b>\$749,154</b>

# EXPENDITURES

	CPA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
<b>41310</b>				
161 Wages – Mayor	\$ 5,000	\$17,400	\$17,400	\$17,400
<b>41510 City Recorder/Clerk/Receptionist</b>				
111 City Recorder Wages	\$18,000	\$39,500	\$39,763	\$40,000
120 City Clerk Wages	\$10,504	\$31,000	\$30,862	\$31,500
121 Receptionist	\$0	\$21,000	\$17,396	\$22,800
124 Part time Employees	\$368	\$2,000	\$149	\$1,000
134 Vacation/Bonus Pay	\$700	\$2,000	\$1,050	\$2,000
<b>41650 Personnel Administration</b>				
161 Board/Administration Wages	\$13,600	\$28,800	\$28,800	\$28,800
167 Building Inspector		\$10,000	\$10,000	\$10,000
<b>SUBTOTAL- WAGES,BOARD,RECORDER,CLERK</b>	\$108,172	\$151,700	\$145,420	\$153,500

	CPA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
<b>41810 City Hall Building</b>				
241 Electric	\$15,462	\$15,000	\$16,025	\$16,000
242 Water	\$1,080	\$1,000	\$1,294	\$1,000
244 Gas	\$7,207	\$8,500	\$8,889	\$10,000
245 Telephone and Telegraph	\$11,627	\$12,000	\$8,452	\$10,000
265 Repair and Maintenance Grounds	\$11,458	\$10,100	\$8,158	\$10,000
321 Agriculture & Horticultures	\$239	\$400	\$394	\$500
910 Land	\$375,000	\$0	\$0	\$0
920 Building improvements	\$2,668	\$126,800	\$93,088	\$50,000
930 Improvements other than buildings	\$10,059	\$10,000	\$11,113	\$10,000
<b>SUBTOTAL – CITY HALL BUILDING</b>	\$434,800	\$183,800	\$147,413	\$107,500



# 41990 Other General Government Expenses

	CPA # 2004-2005	Budget & Amended 2006-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
142 Hospital and Health Insurance	\$139,723	\$155,000	\$164,505	\$172,000
143 Retirement – Current	\$33,462	\$35,000	\$37,673	\$35,000
149 Other Employer Contributions	\$41,580	\$48,000	\$53,551	\$50,000
166 Judge	\$4,800	\$4,800	\$4,400	\$4,800
167 Building Inspector	\$9,600	\$0	\$1,487	\$1,500
190 Other Personal Services – Flowers	\$544	\$500	\$202	\$500
211 Postage, Box Rent, Etc.	\$1,542	\$2,000	\$1,453	\$1,800
213 Automotive License and Title	\$136	\$100	\$17	\$100
219 Other Communication and Transportation	\$0	\$0	\$0	\$0
220 Printing, Duplicate, Etc	\$1,137	\$1,600	\$1,659	\$1,500
231 Publication of Formal and Legal Notices	\$3,427	\$4,000	\$3,124	\$3,500
236 Memberships, Registration Fees, and Tuition	\$9,233	\$10,000	\$8,481	\$10,000
236 Public Relations	\$6,435	\$7,500	\$7,150	\$7,500
St. Jude - \$800      Shriners - \$600 Lions Club - \$800      Alzheimer's \$800 Marion Co. Fair \$800      Cancer \$800      JES \$500 SPHS \$500      WMS \$1000      RHMS \$500				
238 Scholarships	\$4,000	\$4,000	\$4,040	\$4,000
239 Other Publicity	\$421	\$1,000	\$947	\$1,000
245 Telephone and Telegraph – Cell Phones	\$1,162	\$800	\$572	\$800
246 Fire Hydrant Rental	\$9,400	\$11,000	\$0	\$10,000
249 Other Utility Services – Pest Control	\$780	\$800	\$840	\$1,100
252 Legal Services	\$26,959	\$25,000	\$29,623	\$40,000
253 Accounting and Auditing Services	\$13,586	\$18,000	\$13,378	\$18,000
255 Data Processing Services – Computer	\$16,246	\$16,000	\$14,236	\$16,000
257 Tennessee State Planning Office Services	\$4,500	\$4,500	\$4,500	\$4,500
259 Other Prof Services (Janitorial, Survey, Eng)	\$30,000	\$30,000	\$29,639	\$15,000
261 Repair and Maintenance Vehicles	\$0	\$0	\$108	\$1,000
269 Repair and Maintenance Other Repair & Ma	\$0	\$0	\$0	\$0
283 Out of Town Expense	\$2,085	\$3,200	\$1,643	\$3,000
287 Kimball Fireworks Festival	\$0	\$90,000	\$96,381	\$70,000
288 Concessions	\$0	\$3,000	\$1,678	\$0
289 Open House	\$0	\$0	\$1,265	\$0

290	Other Contractual Services	\$131,877	\$75,000	\$72,596	\$90,000
310	Office Supplies and Materials	\$10,940	\$20,000	\$13,563	\$15,000
313	Flags	\$60	\$500	\$1,694	\$1,000
320	Operating Supplies/Float	\$0	\$0	\$2,576	\$400
322	Chemical, Lab, Medical	\$599	\$200	\$127	\$200
323	Food - Christmas Dinner/Hams/Turkeys	\$9,245	\$10,000	\$7,883	\$7,500
324	Household and Janitorial Supplies	\$2,445	\$2,300	\$2,435	\$2,500
326	Clothing	\$0	\$0	\$272	\$300
329	Other Operating Supplies	\$1,482	\$2,000	\$410	\$0
331	Gas, Oil, Diesel Fuel, Grease, Etc.	\$24,958	\$30,000	\$33,373	\$35,000
334	Tires, Tubes, Etc	\$0	\$0	\$708	\$0
511	Insurance on Buildings	\$40,000	\$40,000	\$41,881	\$43,000
514	Surety bonds	\$1,201	\$1,700	\$1,201	\$1,500
515	Workers Compensation Ins.	\$32,868	\$32,500	\$44,999	\$50,000
520	Property Ins.	\$0	\$0	\$0	\$0
522	Vehicle Ins.	\$7,029	\$10,000	\$10,500	\$11,000
551	Trustee Fees	\$417	\$0	\$0	\$0
555	Bank Charges – checks, deposit slips	\$23	\$100	\$127	\$100
569	Litigation Tax	\$1,313	\$2,000	\$1,176	\$1,500
594	Retirement - Administrative cost	\$0	\$0	\$0	\$0
597	Refund on overpayments	\$0	\$0	\$77	\$0
621	Debt Service Principle (Police Car & land)	\$128,621	\$162,100	\$162,085	\$164,500
630	Interest (lease car & land)	\$10,955	\$12,900	\$12,772	\$8,700
770	Grants - Sewer Line Ext.	\$0	\$0	\$0	\$630,000
930	Improvements (Christmas)	\$4,574	\$5,000	\$4,912	\$0
934	Water and sewer line improvements	\$158,798	\$0	\$0	\$0
937	Parks and Recreation	\$3,759	\$5,000	\$4,108	\$0
<b>Subtotal - Other General Expenses</b>		<b>\$941,922</b>	<b>\$887,000</b>	<b>\$902,027</b>	<b>\$1,534,800</b>

<b>42100 Police</b>	CFA # 2004-2005	<b>Budget &amp; Amended 2005-2006</b>	ACTUAL TO 6/28/2006	<b>BUDGET 2006-2007</b>
111 Chief – Wages	\$-2,395	<b>\$42,500</b>	\$42,978	<b>\$43,000</b>
121 Patrolmen – Wages	\$240,927	<b>\$268,200</b>	\$277,657	<b>\$286,000</b>
123 Overtime	\$19,564	<b>\$30,000</b>	\$36,985	<b>\$31,000</b>
134 Christmas Bonuses/In-service	\$6,676	<b>\$8,500</b>	\$8,337	<b>\$8,500</b>
219 Other Communication and Transportation	\$0	<b>\$0</b>	\$0	<b>\$0</b>
220 Printing, Duplicating, Etc.	\$611	<b>\$700</b>	\$650	<b>\$700</b>
235 Memberships, Registration Fees and Tuition	\$3,026	<b>\$4,000</b>	\$1,485	<b>\$2,000</b>
245 Telephone - Cell phone	\$1,062	<b>\$1,000</b>	\$1,355	<b>\$1,200</b>
261 Repair and Maintenance Motor Vehicle	\$8,678	<b>\$5,000</b>	\$5,079	<b>\$6,000</b>
262 Repair & Maint. Other Machinery	\$447	<b>\$700</b>	\$336	<b>\$700</b>
283 Out of Town Expense	\$1,592	<b>\$2,000</b>	\$1,727	<b>\$2,000</b>
290 Other Contractual Services	\$0	<b>\$0</b>	\$335	<b>\$0</b>
310 Office Supplies and Materials	\$1,129	<b>\$1,200</b>	\$750	<b>\$1,000</b>
320 Operating Supplies	\$16,052	<b>\$15,000</b>	\$7,221	<b>\$10,000</b>
322 Chemical, Lab, Medical	\$961	<b>\$800</b>	\$465	<b>\$800</b>
323 Food	\$217	<b>\$1,000</b>	\$389	<b>\$500</b>
324 Janitorial Supplies	\$77	<b>\$0</b>	\$0	<b>\$0</b>
326 Clothing and Uniforms	\$6,560	<b>\$6,000</b>	\$6,462	<b>\$6,000</b>
327 Fire Arms Supplies	\$360	<b>\$500</b>	\$464	<b>\$500</b>
329 Other Operating Supplies	\$0	<b>\$0</b>	\$0	<b>\$0</b>
331 Gas, Oil, Diesel fuel, Grease	\$1,211	<b>\$1,200</b>	\$861	<b>\$1,200</b>
332 Motor Vehicle Parts	\$169	<b>\$500</b>	\$100	<b>\$500</b>
333 Equipment	\$0	<b>\$0</b>	\$4,113	<b>\$0</b>
334 Tires, Tubes and Etc	\$1,223	<b>\$3,200</b>	\$3,542	<b>\$3,200</b>
940 Cars / Equipment	\$203,428	<b>\$0</b>	\$0	<b>\$0</b>
<b>SUB TOTAL – POLICE</b>	<b>\$576,365</b>	<b>\$392,000</b>	<b>\$401,291</b>	<b>\$404,800</b>

<b>42200 Fire Protection and Control</b>	CPA # 2004-2005	<b>Budget &amp; Amended 2005-2006</b>	ACTUAL TO 6/28/2006	<b>BUDGET 2006-2007</b>
121 Chief – Wages	\$3,000	<b>\$4,200</b>	\$4,200	<b>\$4,200</b>
162 Firemen – Wages	\$1,605	<b>\$2,400</b>	\$1,090	<b>\$2,500</b>
190 Other Personal Services – Flowers	\$0	<b>\$200</b>	\$40	<b>\$200</b>
212 Freight, Express,	\$0	<b>\$0</b>	\$0	<b>\$0</b>
235 Memberships, Registration Fees and Tuition	\$300	<b>\$500</b>	\$300	<b>\$500</b>
236 Public Relation Misc	\$619	<b>\$600</b>	\$83	<b>\$600</b>
260 Repair and Maintenance Services	\$25	<b>\$3,000</b>	\$2,776	<b>\$3,000</b>
261 Repair and Maintenance Vehicles	\$403	<b>\$3,000</b>	\$785	<b>\$3,000</b>
283 Out of Town Expense	\$202	<b>\$500</b>	\$614	<b>\$1,000</b>
287 Meals and Entertainment	\$1,109	<b>\$2,000</b>	\$1,184	<b>\$2,000</b>
319 Other Office Supplies	\$96	<b>\$100</b>	\$0	<b>\$100</b>
320 Operating Supplies	\$8,996	<b>\$10,000</b>	\$14,411	<b>\$15,000</b>
326 Clothing and Uniforms	\$7,093	<b>\$9,000</b>	\$4,238	<b>\$5,000</b>
331 Oil changes	\$757	<b>\$500</b>	\$786	<b>\$1,200</b>
332 Motor Vehicle Parts	\$319	<b>\$1,000</b>	\$798	<b>\$1,200</b>
511 General Liability Ins.	\$2,581	<b>\$3,000</b>	\$2,639	<b>\$3,000</b>
920 Building	\$0	<b>\$0</b>	\$0	<b>\$0</b>
940 Tanker	\$0	<b>\$150,000</b>	\$148,086	<b>\$0</b>
<b>SUB TOTAL- FIRE DEPARTMENT</b>	<b>\$27,105</b>	<b>\$190,000</b>	<b>\$182,030</b>	<b>\$42,500</b>

<b>42300 Animal Control</b>	CFA # 2004-2005	<b>Budget &amp; Amended 2005-2006</b>	ACTUAL TO 6/28/2006	<b>BUDGET 2006-2007</b>
240 Utilities	\$0	\$0	\$0	\$0
259 Other Professional Service – Vet	\$0	\$200	\$55	\$200
260 Repair and Maint	\$0	\$0	\$0	\$0
320 Operating Supplies	\$0	\$100	\$0	\$100
530 Rent	\$0	\$0	\$0	\$0
<b>SUB TOTAL - Animal Control</b>	\$0	<b>\$300</b>	<b>\$55</b>	<b>\$300</b>

<b>42620 Rescue Squad</b>	CPA # 2004-2005	<b>Budget 2005-2006</b>	ACTUAL TO 6/28/2006	<b>BUDGET 2006-2007</b>
219 Other Communication (Pagers)	\$1,935	\$2,200	\$2,125	\$2,200
235 Memberships, Registration Fees	\$200	\$500	\$293	\$500
260 Repair and Maint Services	\$0	\$100	\$0	\$0
261 Repair and Maint Service Vehicles	\$930	\$2,000	\$1,002	\$2,000
310 Office Supplies and Materials	\$42	\$100	\$0	\$100
320 Operating Supplies	\$3,317	\$5,000	\$94	\$5,000
331 Oil changes	\$34	\$100	\$83	\$100
<b>SUB TOTAL – RESCUE SQUAD</b>	<b>\$6,458</b>	<b>\$10,000</b>	<b>\$3,597</b>	<b>\$9,900</b>

<b>43100 Highways and Streets</b>	<b>CPA # 2004-2005</b>	<b>Budget &amp; Amended 2005-2006</b>	<b>ACTUAL TO 6/28/2006</b>	<b>BUDGET 2006-2007</b>
111 Supervisor – Wages	\$17,514	<b>\$17,600</b>	\$17,578	<b>\$16,250</b>
121 Crew – Wages	\$31,999	<b>\$62,700</b>	\$63,136	<b>\$72,200</b>
123 Overtime	\$2,312	<b>\$3,000</b>	\$3,156	<b>\$3,000</b>
124 Temporary Wages	\$1,292	<b>\$3,500</b>	\$9,286	<b>\$4,000</b>
134 Christmas Bonus	\$963	<b>\$1,000</b>	\$1,050	<b>\$1,000</b>
235 Memberships, Registration Fees	\$0	<b>\$0</b>	\$0	<b>\$0</b>
236 Public Relation	\$600	<b>\$600</b>	\$600	<b>\$0</b>
245 Telephone	\$803	<b>\$800</b>	\$486	<b>\$500</b>
247 Street Light Electricity	\$6,694	<b>\$3,500</b>	\$3,345	<b>\$7,000</b>
248 Traffic Light Electricity	\$1,937	<b>\$2,000</b>	\$2,685	<b>\$2,500</b>
260 Repair and Maintenance Traffic Light	\$1,093	<b>\$1,000</b>	\$4,650	<b>\$1,000</b>
261 Repair and Maintenance Motor Vehicle	\$1,260	<b>\$3,000</b>	\$3,618	<b>\$3,000</b>
262 repair and Maintenance other machinery	\$1,715	<b>\$2,500</b>	\$199	<b>\$2,000</b>
320 Operating Supplies	\$8,732	<b>\$8,500</b>	\$6,225	<b>\$5,000</b>
322 Chemical, Laboratory	\$137	<b>\$400</b>	\$912	<b>\$500</b>
323 Food	\$0	<b>\$200</b>	\$0	<b>\$200</b>
326 Clothing and Uniforms (Gloves, boots, safety glasses coveralls)	\$2,093	<b>\$2,500</b>	\$2,612	<b>\$2,500</b>
331 Gas, Oil, Diesel Fuel, Grease	\$50	<b>\$1,000</b>	\$490	<b>\$1,000</b>
332 Motor Vehicle Parts	\$768	<b>\$1,000</b>	\$351	<b>\$1,000</b>
334 Tires, Tubes & Etc	\$1,140	<b>\$2,000</b>	\$408	<b>\$2,000</b>
342 Sign Parts and Supplies	\$1,238	<b>\$1,200</b>	\$3,400	<b>\$1,500</b>
460 Raw Materials	\$2,259	<b>\$2,500</b>	\$1,193	<b>\$2,500</b>
770 Grant Bills	\$0	<b>\$0</b>	\$0	<b>\$0</b>
931 Road Materials and Repairs	\$36,321	<b>\$75,000</b>	\$53,146	<b>\$75,000</b>
932 Drainage Improvements	\$7,150	<b>\$3,500</b>	\$0	<b>\$3,500</b>
940 Lawn Mower/King cab Ton Truck	\$16,779	<b>\$0</b>	\$0	<b>\$0</b>
<b>SUB TOTAL – HIGHWAY AND STREET</b>	<b>\$174,849</b>	<b>\$199,000</b>	<b>\$178,526</b>	<b>\$207,150</b>

<b>43200 SANITATION DEPT.</b>	CPA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
111 Supervisor - Wages	\$14,329	\$14,400	\$14,382	\$16,250
121 Crew - Wages	\$47,239	\$51,300	\$51,366	\$72,200
123 Overtime	\$1,207	\$1,500	\$1,060	\$1,500
124 Part time Wages	\$0	\$0	\$1,377	\$4,000
134 Christmas Bonus	\$788	\$800	\$700	\$1,000
219 Other Communication - pager	\$0	\$0	\$0	\$0
261 Repair and Maintenance Motor Vehicle	\$2,875	\$3,000	\$372	\$3,000
295 Landfill Services	\$26,811	\$27,000	\$24,211	\$29,000
320 Operating Supplies	\$485	\$2,000	\$105	\$1,000
326 Clothing and Uniforms	\$2,060	\$2,500	\$1,855	\$2,500
331 Gas, Oil, Diesel, Grease	\$0	\$500	\$278	\$500
332 Motor Vehicle Parts	\$1,000	\$1,000	\$230	\$1,000
334 Tires, Tubes and Etc.	\$2,759	\$3,000	\$0	\$3,000
<b>SUB TOTAL- SANITATION</b>	<b>\$99,553</b>	<b>\$107,000</b>	<b>\$95,936</b>	<b>\$134,950</b>

<b>44700 Parks</b>	CPA # 2004-2005	Budget & Amended 2005-2006	ACTUAL TO 6/28/2006	BUDGET 2006-2007
254 Engineering Fees	\$0	\$0	\$0	\$10,000
290 Other Contractual Services	\$0	\$0	\$0	\$3,000
320 Operating Supplies	\$0	\$0	\$0	\$1,000
937 Park and Recreation Facilities	\$0	\$0	\$0	\$150,000
950 Railroad Crossing	\$0	\$0	\$0	\$0
<b>SUBTOTAL - PARKS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$164,000</b>
<b>TRANSFER OUT to Sewer Fund</b>	<b>\$216,633</b>	<b>\$73,200</b>	<b>\$73,117</b>	<b>\$0</b>

## Total Expenditures

\$2,585,857    \$2,194,000    \$2,129,412    \$2,759,400

# State Street Aid Fund

Account Number	Revenue	CPA's #s 2004-2005	BUDGET 2005-2006	ACTUALS TO 6/28/2006	BUDGET 2006-2007
33551	State Gas Tax	\$37,203.00	\$36,700.00	\$37,016.00	\$36,700.00
36100	Interest	\$100.00	\$100.00	\$97.00	\$100.00
37990	Misc	\$0.00	\$0.00	\$0.00	\$0.00
	<b>RESERVES</b>		\$0.00	\$0.00	\$0.00
<b>Total Revenues</b>		\$37,303.00	\$36,800.00	\$37,113.00	\$36,800.00

Account Number	Expenditures	CPA's #s 2004-2005	BUDGET 2005-2006	ACTUALS TO 6/28/2006	BUDGET 2006-2007
931	Road Materials and Repairs	\$0.00	\$0.00	\$0.00	\$0.00
247	Street Lights Electricity	\$35,814.00	\$36,800.00	\$36,625.00	\$36,800.00
248	Traffic Light Electricity	\$0.00	\$0.00	\$0.00	\$0.00
260	Repair & Maint Service	\$0.00	\$0.00	\$0.00	\$0.00
342	Sign Parts and Supplies	\$0.00	\$0.00	\$0.00	\$0.00
390	Other Supply Items	\$0.00	\$0.00	\$0.00	\$0.00
450	Raw Materials	\$0.00	\$0.00	\$0.00	\$0.00
452	Gravel and Sand	\$0.00	\$0.00	\$0.00	\$0.00
555	Bank Charges	\$20.00	\$0.00	\$0.00	\$0.00
932	Bridges and Tunnels	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Expenditures</b>		\$35,834.00	\$36,800.00	\$36,625.00	\$36,800.00

**Total Revenues - Total Expenses**      \$1,469.00      \$0.00      \$488.00      \$0.00

**Fund balance - Beginning of year**      \$25,845.00      \$27,314.00      \$27,314.00      \$27,802.00  
**Fund balance - end of year**      \$27,314.00      \$27,314.00      \$27,802.00      \$27,802.00



# Drug Fund

Account Number	Revenue	CPA's # s 2004- 2005	BUDGET 2005- 2006	ACTUALS TO 6/28/2006	BUDGET 2006-2007
35140	Drug Related Fines	\$1,637.00	\$1,200.00	\$1,081.00	\$1,500.00
34141	20% for Fingerprint System	\$0.00	\$300.00	\$0.00	\$0.00
<b>Total Revenues</b>		<b>\$1,637.00</b>	<b>\$1,500.00</b>	<b>\$1,081.00</b>	<b>\$1,500.00</b>

Account Number	Expenditures 42129	CPA's # s 2004- 2005	BUDGET 2005- 2006	ACTUALS TO 6/28/2006	BUDGET 2006-2007
320	Operating Supplies Taser and 2-Radars	\$3,300.00	\$0.00	\$0.00	\$6,500.00
<b>Total Expenditures</b>		<b>\$3,300.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$6,500.00</b>

<b>Fund Balance - beginning of year</b>	\$8,140.00	<b>\$6,477.00</b>	\$6,477.00	<b>\$7,558.00</b>
<b>Fund Balance - end of year</b>	\$6,477.00	<b>\$7,977.00</b>	\$7,558.00	<b>\$2,558.00</b>

# SEWER FUND

## REVENUE

	CPA'S # 2004-2005	BUDGET 2005-2006	ACTUALS TO 6/28/2006	BUDGET 2006-2007
<b>37210 Sewer Services Charges</b>	\$28,633.00	\$36,000.00	\$39,289.00	\$36,000.00
<b>36100 Interest Earnings</b>	\$352.00	\$400.00	\$1,445.00	\$1,000.00
<b>37296 Sewer Tap Fees</b>	\$1,000.00	\$1,000.00	\$2,000.00	\$1,000.00
<b>37299 Grease Trap Fees</b>	\$6,900.00	\$7,200.00	\$4,200.00	\$7,000.00
<b>37990 Other Non-Operating Rev.</b>	\$1,558.00	\$1,500.00	\$75,139.00	\$0.00
<b>Total Revenues</b>	<b>\$48,943.00</b>	<b>\$46,100.00</b>	<b>\$122,073.00</b>	<b>\$45,000.00</b>

## EXPENDITURES

	CPA'S # 2004-2005	BUDGET 2005-2006	ACTUALS TO 6/28/2006	BUDGET 2006-2007
<b>121 Salaries</b>	\$964.00	\$1,400.00	\$530.00	\$1,200.00
<b>235 Memberships, Registrations</b>	\$325.00	\$400.00	\$425.00	\$450.00
<b>241 Electric</b>	\$4,934.00	\$5,838.00	\$4,397.00	\$5,000.00
<b>260 Repairs</b>	\$82.00	\$4,000.00	\$5,295.00	\$6,000.00
<b>283 Out of town expense</b>	\$0.00	\$200.00	\$0.00	\$200.00
<b>290 Samples &amp; Prof. Ser.</b>	\$8,398.00	\$3,100.00	\$6,430.00	\$5,500.00
<b>340 Other Repairs &amp; Maint</b>	\$1,002.00	\$1,100.00	\$908.00	\$1,100.00
<b>540 Depreciation</b>	\$24,984.00	\$21,795.00	\$24,984.00	\$25,530.00
<b>555 Bank Service Charge</b>	\$0.00	\$20.00	\$0.00	\$20.00
<b>565 Permit Fee</b>	\$0.00	\$250.00	\$0.00	\$0.00
<b>611 Retirement of Bonds</b>	\$0.00	\$0.00	\$146,236.00	\$0.00
<b>630 Interest Expense</b>	\$8,577.00	\$7,822.00	\$7,391.00	\$0.00
<b>693 Bond Am. Expense</b>	\$170.00	\$175.00	\$0.00	\$0.00
<b>Total Expenditures</b>	<b>\$47,436.00</b>	<b>\$46,100.00</b>	<b>\$196,566.00</b>	<b>\$46,000.00</b>

**FINAL STATEMENTS**

The Board of Mayor and Aldermen have worked on the budget since May with about four workshops to put the final touches on all the line items. The first reading was approved on June 8, 2006 at 4:30 p.m. at a Special Called Meeting. The public hearing, second and final reading will be held on June 29, 2006 at 4:30 p.m. at a Special Called Meeting. The budget has been placed in the paper with an overview of each fund as required by the State of Tennessee.

The budget is the town's guide to revenues and expenses for the fiscal year 2006-2007. The town's standard budget procedure is to budget revenues lower than actually anticipated and expenses higher than anticipated as this has worked well for the town for about three years.

# ORDINANCE NO. 180

## AN ORDINANCE TO RE-ESTABLISH THE FIRE DEPARTMENT OF THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee desire to protect the health, safety and welfare of the citizens of Kimball by providing for the prevention and extinction of fires, rescue services, and emergency management; and

**WHEREAS**, the Charter of the Town of Kimball, Tennessee authorizes the Town to provide for fire protection by ordinance; an

**WHEREAS**, the Town of Kimball, Tennessee formed a Fire Department which was chartered in the late 1960; and

**WHEREAS**, no Ordinance creating the Kimball Fire Department as required by state law can be located and the Board of Mayor and Aldermen desire to pass an Ordinance to Re-Establish the Kimball Fire Department to set forth the duties and requirements for said fire department.

**NOW THEREFORE**, be it ordained by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that:

**SECTION 1.** There is hereby established the Kimball Fire Department to be supported and equipped from appropriations by the Board of Mayor and Aldermen and from other contributions. All apparatus, equipment, and supplies of the Fire Department shall be purchased in accordance with municipal purchasing requirements and shall be and remain the property of the town. The Fire Department shall be composed of a Chief appointed by the Board of Mayor and Aldermen, and such number of subordinate officers and firemen as may be recommended by the fire chief. The fire department shall consist of volunteers in addition to the Fire Chief and all officers and any paid firefighters shall be provided for in the annual operating budget of the city.

**SECTION 2.** The Board of Mayor and Aldermen shall provide for the operations of the Fire Department in its annual budget. Any funds raised by the Fire Department Auxiliary, if one is created, or by any individual or group of volunteer firemen may be accepted by the Board of Mayor and. All equipment, materials, supplies, etc. purchased with contributed funds shall become the property of the Town of Kimball. The Board of Mayor and Aldermen may reject any gift or contribution it deems not to be in the best interest of the Town of Kimball.

**SECTION 3.** The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable.

- (7) To serve as the emergency management agency of the Town.
- (8) To protect the health and safety of the citizens from the transportation, storage, or manufacture of hazardous materials to the extent possible that the level of equipment and training will allow.
- (9) To work with the water department to insure that adequate water supplies for fire protection are available.
- (10) To provide public fire education materials and information to the citizens in order that they may protect themselves from harm.

**SECTION 4.** The Chief of the Town of Kimball Fire Department shall, under the direction of the Board of Mayor and Alderman, set up the organization of the department, make work assignments to individuals, based on input, suggestions and recommendations from the members of the Volunteer Fire Department, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department.

**SECTION 5.** The Chief of the Town of Kimball Fire Department shall prepare the annual departmental budget to be approved by the board of mayor and aldermen, keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports to the Mayor as the Mayor requires. The Mayor shall submit such written reports to the Board of Mayor and Aldermen as the Board of Mayor and Aldermen requires.

**SECTION 6.** The Chief of the Town of Kimball Fire Department shall have the authority to suspend or dismiss any other member of the fire department when he deems such action to be necessary for the good of the department. The Board of Mayor and Aldermen shall dismiss the fire chief.

**SECTION 7.** The Chief of the fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. Each volunteer firefighter and/or officer shall receive no less than forty hours of in-service firefighter training annually, after an initial training period consisting of no less than sixteen hours of basic firefighter training during the first ninety days of his membership in the fire department. Paid firefighters shall be trained in accordance with the standards of the Tennessee Commission on Firefighter Standards and Education.

**SECTION 8.** Pursuant to requirements of *Tennessee Code Annotated*, section 68-102-108, the Fire Chief is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated*, title 68, chapter 102, and shall be subject to the directions of the Commissioner in the execution of the provisions thereof.

**SECTION 9.** Personnel and/or equipment of the Town of Kimball Fire Department may be used for fighting any fire outside the town limits if:

- (1) in the opinion of the Fire Chief, the fire is in such hazardous proximity to property owned or located within the town as to endanger the Town property;  
or

(2) the Board of Mayor and Aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract mutual aid agreement pursuant to the authority of

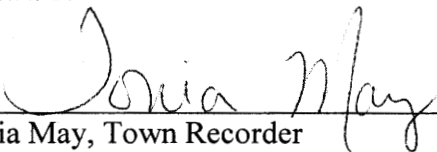
- (1) The Local Government Emergency Assistance Act of 1987, as amended, codified in *Tennessee Code Annotated*, section 58-2-601 et seq.,
- (2) *Tennessee Code Annotated*, section 12-9-101 et seq. or
- (3) *Tennessee Code Annotated*, section 6-54-601.

**SECTION 10.** Each section, subsection, paragraph, sentence and clause of this Ordinance is hereby declared to be separable and severable. The validity of any section, subsection, paragraph, sentence, or clause shall not be affected by the invalidity of any other portion of this ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be severed with the remaining provisions remaining in full force and effect.

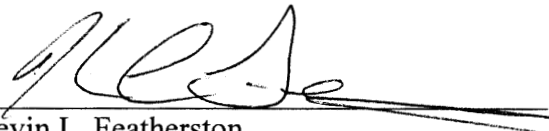
**SECTION 11.** This ordinance shall take effect after its final passage, the public welfare requiring it.

  
DAVID JACKSON, Mayor

ATTEST:

  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston  
Attorney for the Town of Kimball, Tennessee

Passed on first reading August 7, 2006  
Public Hearing October 5, 2006  
Passed on second reading October 5, 2006

# ORDINANCE 181

## AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, the State of Tennessee adopted legislation requiring all governmental entities in the state to adopt rules of ethics to govern their activities to prevent personal conflicts of interest from effecting government actions; and

**WHEREAS**, MTAS was given the authority to draft a standard Ethics Code that would be sufficient to meet the state requirements; and

**WHEREAS**, each municipality was allowed to adopt their own Ethics Code or adopt the standard code drafted by MTAS; and

**WHEREAS**, the Mayor and Board of Alderman believe that the code drafted by MTAS is sufficient for the Town of Kimball and desire to adopt it, as set forth below, to govern its actions as well as all employee actions, and any board or committee set up to conduct the business of the Town.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, that the Kimball Municipal Code shall be amended by the adoption of Title \_\_\_\_\_, to be titled "Ethics Code" being set forth as follows:

**SECTION 1. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

**SECTION 2. Definition of "personal interest".** (1) For purposes of Sections 3 and 4, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
  - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
  - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
- (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment

with a person or organization that is the subject of the vote or that is to be regulated or supervised.

- (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

**SECTION 3. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

**SECTION 4. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

**SECTION 5. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

**SECTION 6. Use of information.**

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

**SECTION 7. Use of municipal time, facilities, etc.**

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.



**SECTION 8. Use of position or authority.**

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

**SECTION 9. Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

**SECTION 10. Ethics complaints.**

- (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
- (2) (a) as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.  
(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.  
(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

**SECTION 11. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

**SECTION 12:** Should any provision of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining provisions are severable and shall remain in full force and effect.

**SECTION 13:** This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 4 day of April, 2007.

  
DAVID JACKSON, Mayor

ATTEST:

  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston  
Attorney for the Town of Kimball

**ORDINANCE NO. 182**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING PROPERTY ADJACENT TO THE RIVERS EDGE SUBDIVISION FROM ZONING CLASSIFICATION I-1, INDUSTRIAL DISTRICT TO THE R-1, LOW DENSITY RESIDENTIAL DISTRICT (AS SHOWN ON THE ACCOMPANYING MAP)**

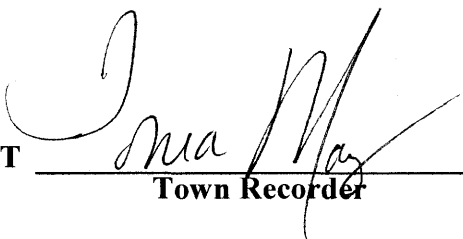
- WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that

- Section 1** The amendment herein described shall replace the I-1, Industrial District with the R-1, Low Density Residential District, as indicated by the attached map dated December 2006.
- Section 2** The attached map, dated December 2006 further illustrates the area being zoned in Kimball, Tennessee (**James Hurst Property**).
- Section 3** **THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** March 1, 2007

**SECOND READING:** April 4, 2007

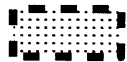
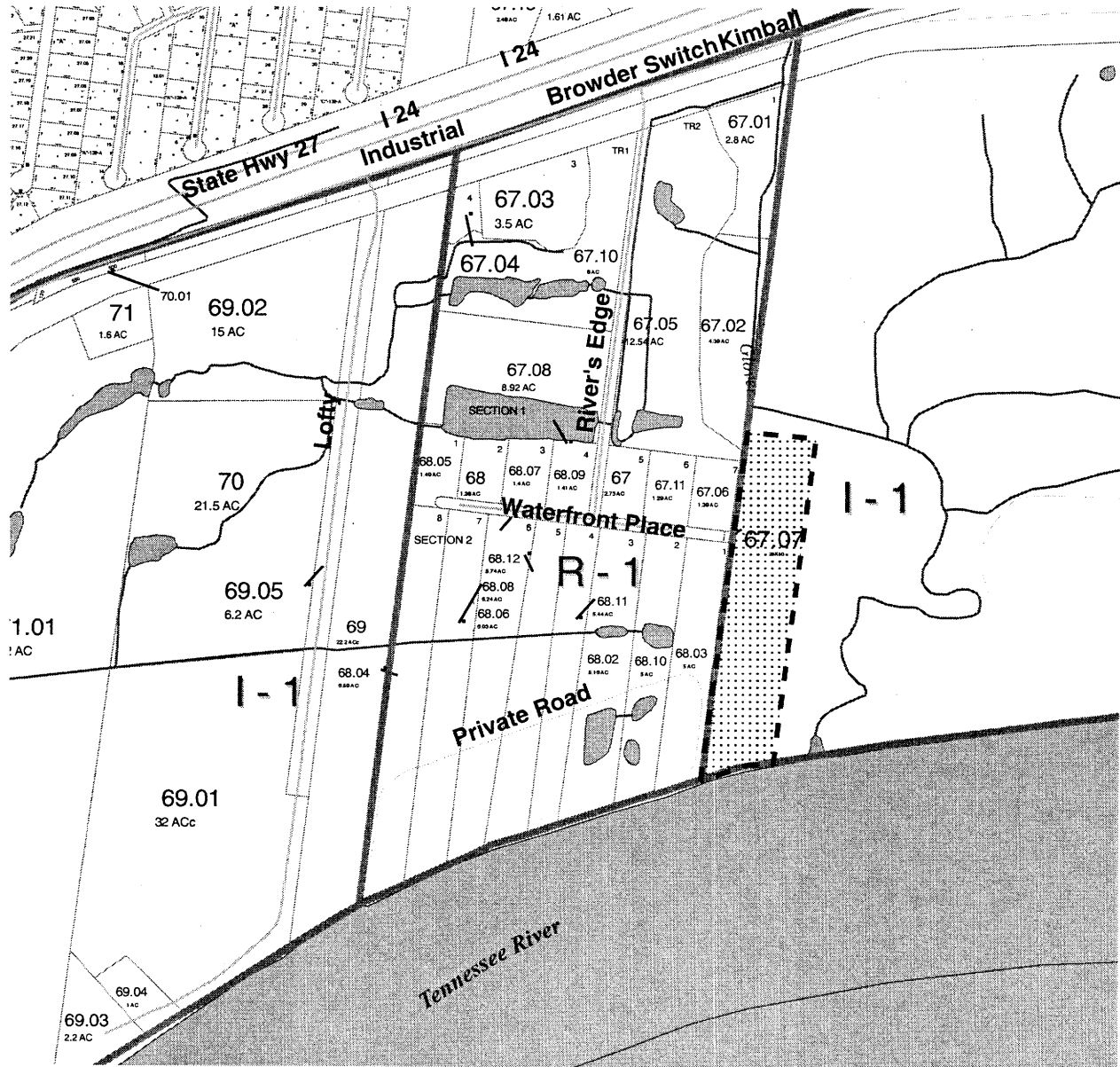
**ATTEST**   
Tina May  
Town Recorder

  
David Johnson  
Mayor

# Kimball, Tennessee

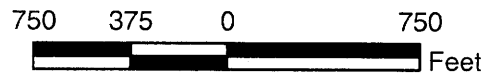
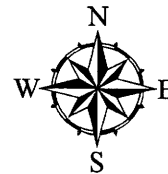
## James Hurst Rezoning Request I-1 to R-1

December 2006



Subject Area

Map Prepared By:  
Department of Economic and Community Development  
Local Planning Assistance Office  
Chattanooga, TN  
Geographic Information Systems



This map is for planning purposes only.  
This is not an engineering map.

**ORDINANCE NO 183**

**ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE  
TITLE 9 AND ORDINANCE 177 OF THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, by Ordinance Nos. 137 and 177, the Town of Kimball, Tennessee amended Chapter 9-106 of the Kimball Municipal Code to set forth permitting requirements and procedures for road blocks in the Town of Kimball, Tennessee; and

**WHEREAS**, after the adoption of said Ordinances, and the adoption of Ordinance 162, it was discovered during the codification process that Title 9, Chapter 1 had duplicate uses of section 9-106.

**WHEREAS**, the Board of Mayor and Aldermen have determined that in order to alleviate this duplicate use of section 9-106, that the provisions concerning the road blocks should be codified in a separate Chapter 3 and leaving section 9-106 as set forth in Ordinance 162.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** Kimball Municipal Code Title 9 Chapter 1 shall be amended by the deletion of the current sections 9-106 and 9-107 regarding road blocks, the creation of a new Chapter 3 and the renaming of the current sections 9-106 and 9-107 as sections 9-301 and 9-302.


**SECTION 2:** Ordinance 177 shall be amended to make the changes set forth therein to apply to section 9-301 instead of section 9-106.

**SECTION 3:** Ordinance 162 shall remain in effect as written.

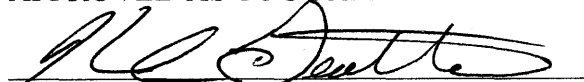
**SECTION 4:** Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts are severable and remain in full force and effect.

**SECTION 5:** This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 3<sup>rd</sup> day of May, 2007.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:  
  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading April 5, 2007  
Public hearing May 3, 2007  
Passed on second reading May 3, 2007

**ORDINANCE NO. 184**

**AN ORDINANCE TO AMEND ORDINANCE NO. 179 CONCERNING THE BUDGET FOR THE YEAR 2006-2007 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 1<sup>st</sup> day of July, 2006, as set forth in Ordinance 179, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, certain line items exceeded the figures set forth in said budget, in expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2006-2007, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendments to the budget set forth as

<b>FUND</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>GENERAL FUND</b>			
<b>DECREASE EXPENDITURE</b>			
41810 920 Building Improvements	\$50,000	(\$38,000)	\$12,000
41810 930 Improvements other than buildings	\$10,000	(\$9,000)	\$1,000
41990 252 Legal Services	\$40,000	(\$8,500)	\$31,500
41990 310 Office Supplies and Materials	\$15,000	(\$7,000)	\$8,000
41990 515 Workers Comp Ins.	\$50,000	(\$9,500)	\$40,500
41990 770 Grant Bills	\$630,000	(\$625,000)	\$5,000
42100 320 Operating Supplies	\$10,000	(\$5,000)	\$5,000
43100 931 Road Materials/Repairs	\$75,000	(\$53,500)	\$21,500
Total Decreases in Expenditures		(\$755,500)	
<b>INCREASE EXPENDITURE</b>			
41990 255 Data Processing – Computer	\$16,000	\$7,000	\$23,000
41990 934 Water Line	\$0	\$25,500	\$25,500
44700 254 Architectural, Engineering	\$10,000	\$11,500	\$21,500
44700 937 Parks and Recreation	\$150,000	\$192,000	\$342,000
51652 001 Transfer out to Sewer Fund (Sewer Lines)	\$0	\$74,500	\$74,500
Total Increases in Expenditures		\$310,500	
<b>SEWER FUND</b>			
<b>INCREASE REVENUES</b>			
37990 Transfer In from General Fund	\$0	\$74,500	\$74,500

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

**Section 1:** That Ordinance 179 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 179, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2006-2007.

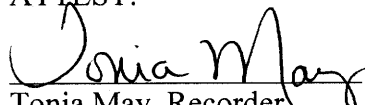
**Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

**Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

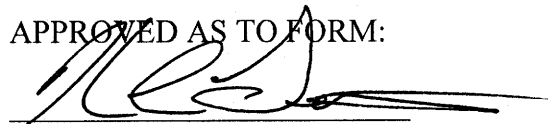
PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 28<sup>th</sup> day of June, 2007.

  
David Jackson, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
Kevin L. Featherston, Attorney

Passed on First Reading June 7, 2007.

Passed on Second Reading June 28, 2007.

## Ordinance No. 185

### AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2007 – JUNE 30, 2008.

**BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**Section 1.** A budget consisting of the available funds and appropriations listed in sections 2 and 3 below, be and is hereby adopted for the Fiscal Year July 1, 2007 through June 30, 2008.

**Section 2.** Revenues and Fund Balances for the budget are as follows:

General Fund	\$2,416,100
General Fund Balance	\$1,054,871
State Street Aid Fund	\$ 36,800
State Street Aid Fund Balance	\$ 26,349
Drug Fund	\$ 1,500
Drug Fund Balance	\$ 5,560
Sewer Fund	\$ 49,750

**Section 3.** Expenditures for the budget are as follows:

General Fund	\$2,859,550
State Street Aid	\$ 38,800
Drug Fund	\$ 3,500
Sewer Fund	\$ 49,750

**Section 4.** Appropriations listed above may not be exceeded without enactment of an ordinance amending the budget.

**Section 5.** A detailed line item financial plan shall be prepared in support of the budget.

**Section 6.** There is hereby levied a property tax of \$.10 per \$100 of assessed valuation of taxable property in the Town of Kimball for the purpose of funding the FY 2007-2008 Annual Budget.

**Section 7.** This ordinance shall become effective on July 1, 2007, the public welfare requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 28<sup>th</sup> day of June, 2007.

First Reading: June 7, 2007  
Second Reading: June 28, 2007

  
Mayor

Attest:   
Recorder



## ORDINANCE NO. 186

### AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO DEFINE AND INCLUDE COMMERCIAL PLANNED UNIT DEVELOPMENTS WITHIN THE C-2, HIGHWAY BUSINESS ZONING DISTRICT IN THE TOWN OF KIMBALL, TENNESSEE

**WHEREAS**, the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and

**WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and

**WHEREAS**, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that,

**Section 1.** The amendment herein described shall be applicable to Chapter 3: DEFINITIONS of the Official Zoning Ordinance of Kimball, Tennessee, Section 14-302 DEFINITIONS be amended by the addition of the following:

**Planned Unit Development - Commercial:** A Commercial Planned Unit Development is a completely planned commercial land use, professionally designed as a unit, and approved by the Kimball Municipal Planning Commission, in a C-2 Zone.

**Retail Sales Establishment - Commercial:** A commercial establishment that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**Section 2.** The amendment herein described shall be applicable to Chapter 4: ZONING DISTRICTS of the Official Zoning Ordinance of Kimball, Section 14-404 SPECIFIC DISTRICT REGULATIONS — C-2 Highway Business District, Uses Permitted, subsection (O) shall be added:

**(O). Commercial Planned Unit Development (PUD)**

**1. Purpose:**

The Purpose of the Commercial Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Commercial PUD is intended to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well being of the inhabitants.

**2. Classification:**

A Commercial PUD shall be allowed only in the C-2 Commercial Zoning District.

**A. Permitted Principal and Accessory Uses and Structures**

1. College and University-owned facilities (classroom facilities, administration facilities, dormitories, sports related facilities, libraries, cafeterias and maintenance buildings).
2. Commercial Parking Lots.
3. Professional, medical or dental offices or clinics.
4. Laboratories and research centers.
5. Real Estate Offices.
6. Retail Sales Establishments.
7. Accessory uses for the above permitted uses.
8. Private and semi-public recreation clubs and attendant uses and facilities, including: golf, swimming and spa, athletic and health, tennis, croquet, skating, country clubs and similar clubs as may be approved in conjunction with the master plan.

**B. Minimum Site Area, Yard Requirements and Density**

The width, frontage, and yard requirements otherwise applying to individual buildings lots do not apply within a planned commercial development. Yard requirements are limited to the following standards; however, building layout must be approved by the Planning Commission.

1. Minimum setback from an arterial street – Thirty Five (35) feet.
2. Minimum setback from collector street - thirty (30) feet.
3. Minimum setback requirement from periphery boundary of the development - twenty-five (25) feet.
4. Where a side yard is proposed between two structures, the minimum width shall be ten (10) feet between structures.

C. Height Regulations

The height restrictions of the C-2 zoning district shall apply within Planned Unit Developments.

D. Access

All lots shall be served from properly dedicated public street(s), per the requirements of the Kimball Municipal Subdivision Regulations.

Each building lot within the development shall front a public street for a minimum of twenty-five (25) feet, or as required in the Subdivision Regulations.

E. Utilities

No planned development will be approved unless public sewer is available. Availability of sewer will be determined by the Town of Kimball.

F. Parking and Loading

The provisions of Sections 14-503 and 14-504 of this Ordinance shall apply.

G. Buffers

Buffer strips, as defined in Chapter 3 of this Ordinance, are required at district boundaries and to separate dissimilar uses within the PUD.

3. **Application and General Procedures:**

A. Preliminary Plat:

Before initiating construction, fill or grading of a tract of land for a Planned Commercial Planned Unit Development,

the owner or lessee of the site shall submit to the Planning Commission a preliminary plat (plan) for the use and development of the entire tract that conforms to the preliminary plat specifications.

**B. Final Plat:**

Within one year after approval of the preliminary plat (plan), the owner or lessee shall present a final plat (plan) to the Planning Commission. The final plat (plan) shall substantially conform to the preliminary plat (plan). If a final plat (plan) is disapproved by the Planning Commission, the applicant may resubmit a final plat (plan) which substantially conforms to the approved preliminary plat (plan), or the applicant may request an amendment to the approved preliminary plat (plan) from the Planning Commission.

The final plat submitted must be in substantial conformance with the preliminary plat. Plats containing minor changes from the approved preliminary plat may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, or shifting of structures within the development shall be deemed to be a substantial deviation and shall require an amendment of the preliminary plat prior to further action by the Planning Commission.

**C. Site Plan:**

A site plan of the complex, including the information as required under Section 14-510 of this ordinance shall be submitted to the Planning Commission for approval.

**THEREFORE BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** September 6, 2007

**SECOND READING:** October 4, 2007

  
\_\_\_\_\_  
Mayor

**ATTEST:**   
\_\_\_\_\_  
Town Recorder

**ORDINANCE NO. 187**

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE PROVIDING FOR THE LICENSING AND REGULATION OF ADULT-ORIENTED BUSINESSES.**

**WHEREAS**, the Board of Mayor and Alderman of the Town of Kimball, Tennessee finds:

- (1) That adult-oriented business establishments are regulated in nearby cities.
- (2) That the Town of Kimball currently has no regulations applicable to adult-oriented business establishments, and the Town is therefore a potentially attractive area for the location or relocation of adult-oriented business establishments; and

**WHEREAS**, the board of Mayor and Aldermen finds that sexually oriented businesses are frequently used for unlawful sexual activities, including sexual liaisons of a casual nature; and

**WHEREAS**, the concern over sexually transmitted diseases is a legitimate health concern of the Town which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

**WHEREAS**, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

**WHEREAS**, there is convincing documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

**WHEREAS**, the board of mayor and aldermen desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizens; and

**WHEREAS**, it is not the intent of the Town to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses;

**NOW, THEREFORE, BE IT ORDAINED** By the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that:

**Section 1.** The Municipal Code of the Town of Kimball, Tennessee is hereby amended by adding Chapter 4 to Title 9 to read as follows:

**ADULT-ORIENTED ESTABLISHMENTS**

- 9-401.Purpose.
- 9-402.Definitions.
- 9-403.License required.
- 9-404.Application for license.
- 9-405.Standards for issuance of license.
- 9-406.Permit required.
- 9-407.Application for permit.
- 9-408.Standards for issuance of permit.
- 9-409.Fees.
- 9-410.Display of license or permit.
- 9-411.Renewal of license or permit.
- 9-412.Revocation of license or permit.
- 9-413.Hours of operation.
- 9-414.Responsibilities of the operator.
- 9-415.Prohibitions and unlawful sexual acts.
- 9-416.Penalties and prosecution.
- 9-416.Severability

**9-401.Purpose.** It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Town. It is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

**9-402.Definitions.** For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

- (1) "Adult-oriented establishment" shall include, but not be limited to, "adult bookstore," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabaret," and further means any premises to which the public patrons or members (regardless of whether or not the establishment is categorized as a private or members only club) are invited or admitted and/or which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- (2) "Adult bookstore" means an establishment having as a substantial portion of its stock in trade ("substantial portion" meaning over 20% of floor area, or over 20% of inventory by units or value, or over 20% of revenues, or an inventory of 200 or more units) in books, films, video cassettes, compact discs, computer software, computer generated images or text, or magazines and other periodicals or publications or reproductions of any kind which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the

presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting materials having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by any means by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by any means by patrons therein.

(5) "Adult cabaret" is defined to mean an establishment which features as a principle use of its business, entertainers and/or waiters and/or bartenders and/or any other employee or independent contractor, who expose to public view of the patrons within said establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie or latex covering. Adult cabarets shall include commercial establishments which feature entertainment of an erotic nature including exotic dancers, table dancers, private dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board of Mayor and Aldermen" means the Board of Mayor and Aldermen of the Town of Kimball, Tennessee.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(9) "Adult-entertainment" means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, corporation, or entity of any type or character operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

- (a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
- (b) Acts or simulated acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(12) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(b) Human male genitals in an actual or simulated discernibly turgid state, even if completely opaquely covered.

**9-403. License required.** (1) Except as provided in subsection (5) below, from and after the effective date of this chapter, no adult-oriented establishment shall be operated or maintained in the Town of Kimball without first obtaining a license to operate issued by the Town of Kimball.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for them.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty day period, then such existing adult-oriented establishment shall cease operations.

(6) No license may be issued for any location unless the premises is lawfully zoned for adult-oriented establishments and unless all requirements of the zoning ordinance are complied with. No license shall be issued for an location if the premises is located within 1.5 miles of any school, church or similar place of local gathering. Said measurement shall be made along the nearest highway or street right-of-way.

**9-404. Application for license.** (1) Any person, partnership, or corporation desiring to secure a license shall make application to the Police Chief of the Town of Kimball. The application shall be filed in triplicate with and dated by the Police Chief. A copy of the application shall be distributed promptly by the Police Chief to the Town Recorder and to the applicant.

(2) The application for a license shall be upon a form provided by the Police Chief. An applicant for a license including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five (5) percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business (including but not limited to all holders of any interest in land of members of any limited liability company) shall furnish the following information under oath:

(a) Name and addresses, including all aliases.

(b) Written proof that the individual(s) is at least eighteen (18) years of age.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) The applicants' height, weight, color of eyes and hair.

(e) The business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application.

(f) Whether the applicant(s) previously operated in this or any other county, Town or state under an adult-oriented establishment license or similar business license; whether the applicant(s) has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(g) All criminal statutes, whether federal or state, or Town ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of each applicant.

(i) The address of the adult-oriented establishment to be operated by the applicant(s).

(j) The names and addresses of all persons, partnerships, limited liability entities, or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to be operated, including but not limited to, contract purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.



- (k) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.
- (l) The length of time each applicant has been a resident of the Town of Kimball, or its environs, immediately preceding the date of the application.
- (m) If the applicant is a limited liability entity, the applicant shall specify the name, the date and state of organization, the name and address of the registered agent and the name and address of each member of the limited liability entity.
- (n) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.
- (o) All inventory, equipment, or supplies which are to be leased, purchased, held in consignment or in any other fashion kept on the premises or any part or portion thereof for storage, display, any other use therein, or in connection with the operation of said establishment, or for resale, shall be identified in writing accompanying the application specifically designating the distributor business name, address phone number, and representative's name.
- (p) Evidence in form deemed sufficient to the Town manager that the location for the proposed adult-oriented establishment complies with all requirements of the zoning ordinances as now existing or hereafter amended.
- (3) Within ten (10) days of receiving the results of the investigation conducted by the Kimball Police Department, the Police Chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such additional investigation, the Police Chief shall advise the applicant in writing whether the application is granted or denied. All licenses shall be further held pending consideration of the required special use zoning permit by the Board of Mayor and Aldermen.
- (4) Whenever an application is denied or held for further investigation, the Police Chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the Board of Mayor and Aldermen at which time the applicant may present evidence as to why his/her license should not be denied. The Board shall hear evidence as to the basis of the denial and shall affirm or reject the denial of any application at the hearing. If any application for an adult-oriented establishment license is denied by the Board of Mayor and Aldermen and no agreement is reached with the applicant concerning the basis for denial, the Town attorney shall institute suit for declaratory judgment in the Chancery Court of Marion County, Tennessee, within five (5) days of the date of any such denial and shall seek an immediate judicial determination of whether such license or permit may be properly denied under the law.
- (5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Police Chief.

**9-405. Standards for issuance of license.** (1) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

- (a) If the applicant is an individual:
- (i) The applicant shall be at least eighteen (18) years of age.
  - (ii) The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
  - (iii) The applicant shall not have been found to have previously violated this chapter within five (5)

years immediately preceding the date of the application.

(b) If the applicant is a corporation:

(i) All officers, directors and stockholders required to be named under § 9-603 shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder required to be named under § 9-603 shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of application.

(c) If the applicant is a partnership, joint venture, limited liability entity, or any other type of organization where two (2) or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.

(ii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

(iii) No persons having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated this chapter within five (5) years immediately preceding the date of the application.

(2) No license shall be issued unless the Kimball Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Police Chief no later than twenty (20) days after the date of the application.

**9-406. Permit required.** In addition to the license requirements previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the Police Chief.

**9-407. Application for permit.** (1) Any person desiring to secure an permit as an employee or entertainer shall make application to the Police Chief. The application shall be filed in triplicate with and dated by the Police Chief. A copy of the application shall be distributed promptly by the Police Chief to the Town Recorder and to the applicant.

(2) The application for a permit shall be upon a form provided by the Police Chief. An applicant for a permit shall furnish the following information under oath:

(a) Name and address, including all aliases.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses of the applicant for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.

(f) Whether the applicant, while previously operating in this or any other Town or state under an adult-oriented establishment permit or similar business for whom applicant was employed or associated at the time, has ever had such a permit revoked or suspended, the reason therefore, and the business entity or trade name for whom the applicant was employed or associated at the time of such suspension or revocation.

(g) All criminal statutes, whether federal, state or Town ordinance violation, convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

(i) The length of time the applicant has been a resident of the Town of Kimball, or its environs, immediately preceding the date of the application.

(j) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Kimball Police Department, the Police Chief shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the Police Chief shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the Police Chief shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter before the Board of Mayor and Aldermen at which time the applicant may present evidence bearing upon the question.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Police Chief.

**9-408. Standards for issuance of permit.** (1) To receive a permit as an employee or entertainer, an applicant must meet the following standards:

(a) The applicant shall be at least eighteen (18) years of age.

(b) The applicant shall not have been convicted of or pleaded no contest to a felony or any crime involving moral turpitude or prostitution, obscenity or other crime of a sexual nature (including violation of similar adult-oriented establishment laws or ordinances) in any jurisdiction within five (5) years immediately preceding the date of the application.

(c) The applicant shall not have been found to violate any provision of this chapter within five (5) years immediately preceding the date of the application.

(2) No permit shall be issued until the Kimball Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the Police Chief not later than twenty (20) days after the date of the application.

**9-409. Fees.** (1) A license fee of five hundred dollars (\$500.00) shall be submitted with the application for a license. If the application is denied, one-half (½) of the fee shall be returned.

(2) A permit fee of one hundred dollars (\$100.00) shall be submitted with the application for a permit. If the application is denied, one-half (½) of the fee shall be returned.

**9-410. Display of license or permit.** (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee and/or entertainer upon his or her person and shall be displayed upon request of a customer, any member of the Kimball Police Department, or any person designated by the Board of Mayor and Aldermen.

**9-411. Renewal of license or permit.** (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Police Chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Police Chief. A copy of the application for renewal shall be

distributed promptly by the Police Chief to the Town Recorder and to the operator. The application for renewal shall be a form provided by the Police Chief and shall contain such information and data, given under oath or affirmation, as may be required by the Board of Mayor and Aldermen.

(2) A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half ( $\frac{1}{2}$ ) of the total fees collected shall be returned.

(3) If the Kimball Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Police Chief.

(4) Every permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked, and must be renewed before an employee and/or entertainer is allowed to continue employment in an adult-oriented establishment in the following calendar year. Any employee and/or entertainer desiring to renew a permit shall make application to the Police Chief. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the Police Chief. A copy of the application for renewal shall be distributed promptly by the Police Chief to the Town Recorder and to the employee. The application for renewal shall be upon a form provided by the Police Chief and shall contain such information and data, given under oath or affirmation, as may be required by the Board of Mayor and Aldermen.

(5) A permit renewal fee of one hundred dollars (\$100.00) shall be submitted with the application for renewal. In addition to said renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for renewal less than sixty (60) days before the license expires. If the application is denied one-half ( $\frac{1}{2}$ ) of the fee shall be returned.

(6) If the Kimball Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the Police Chief.

**9-412. Revocation of license or permit.** (1) The Police Chief shall revoke a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the Town council pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Town council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator or employee becomes ineligible to obtain a license or permit.

(d) Any cost or fee required to be paid by this chapter is not paid.

(e) An operator employs an employee who does not have a permit or provide space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.

(f) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold.

- (i) Any operator allows continuing violations of the rules and regulations of the Marion County Health Department.
- (j) Any operator fails to maintain the licensed premises in a clean, sanitary and safe condition.
- (k) Any minor is found to be loitering about or frequenting the premises.
- (2) The Police Chief, before revoking or suspending any license or permit, shall give the operator or employee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the Board of Mayor and Aldermen, at which time the operator or employee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.
- (3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator. Such license shall thereby become null and void.
- (4) Any operator or employee whose license or permit is revoked shall not be eligible to receive a license or permit for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation of the license.

**9-413. Hours of operation.** (1) No adult-oriented establishment shall be open between the hours of 1:00 A.M. and 8:00 A.M. Monday through Saturday, and between the hours of 1:00 A.M. and 12:00 P.M. on Sunday.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Kimball Police Department, the Marion County Sheriff's Department, or such other persons as the Board of Mayor and Aldermen may designate.

**9-414. Responsibilities of the operator.** (1) The operator shall maintain a register of all employees and/or entertainers showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the Board of Mayor and Aldermen. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of the employees available immediately for inspection by police upon demand of a member of the Kimball Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees and/or entertainers while on the licensed premises and any act or omission of any employees and/or entertainer constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the Kimball Police Department at all reasonable times.

(6) No employee of an adult-oriented establishment shall allow any minor to loiter around or to

requent an adult-oriented establishment or to allow any minor to view adult entertainment as defined herein.

(7) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of secluded viewing of adult-oriented motion pictures or other types of adult entertainment.

(8) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(9) No operator, entertainer, or employee of an adult-oriented establishment shall demand or collect all or any portion of a fee for entertainment before its completion.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

This Adult-Oriented Establishment is Regulated by the Town of Kimball Municipal Code.

Entertainers are:

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to expose their sex organs;
3. Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

**9-415. Prohibitions and unlawful sexual acts.** (1) No operator, entertainer, or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow customers, employees or entertainers to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No operator, entertainer, or employee shall encourage or permit any other person upon the premises to touch, caress, or fondle his or her breasts, buttocks, anus or genitals.

(4) No operator, entertainer, employee, or customer shall be unclothed or in such attire, costume, or clothing so as to expose to view any portion of the sex organs, breasts or buttocks of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee or customer.

(5) No entertainer, employee or customer shall be permitted to have any physical contact with any other person on the premises during any performance and all performances shall only occur upon a stage at least eighteen (18") inches above the immediate floor level and removed six feet (6') from the nearest entertainer, employee and/or customer.

**9-416. Penalties and prosecution.** (1) Any person, partnership, corporation, or other business entity who is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

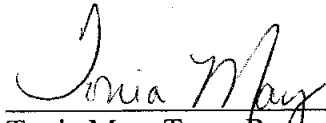
**9-417. Severability.** If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Section 2.** This ordinance shall take effect upon its final passage, the public welfare requiring it.

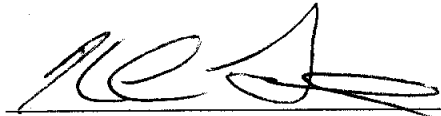
**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 4<sup>th</sup> day of October, 2007.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin L. Featherston  
Attorney for the Town of Kimball

Passed on first reading      September 6, 2007  
Public hearing                October, 4, 2007  
Passed on second reading    October 4, 2007

## ORDINANCE NO 188

### AN ORDINANCE TO AMEND THE KIMBALL MUNICIPAL CODE TITLE 12 TO ADOPT PERMIT FEES FOR COMMERCIAL CONSTRUCTION REMODELING PROJECTS

**WHEREAS**, the Town of Kimball, Tennessee has adopted and follows the provisions of the International Building Code regarding all construction projects within the Town. and

**WHEREAS**, the International Building Code and the Kimball Municipal Code require all parties to obtain a Building Permit prior to construction of any new structures or the remodeling of any current structures, and

**WHEREAS**, the International Building Code has a Permit Fee schedule covers all construction activities however the Town of Kimball opted out of charging Permit Fees for remodeling projects; and

**WHEREAS**, Board of Mayor and Aldermen have determined that commercial remodeling projects require substantially more work by the Building Inspector than do residential remodeling projects and that a reasonable fee should be charged for these services; and

**WHEREAS**, the Board of Mayor and Aldermen have determined that the Permit Fee structure set forth in the International Building Code amounts to a reasonable fee for the inspection services for commercial remodeling projects and should it be adopted in its entirety except that the fees charged begin at a total valuation of \$10,000 instead of the \$1,000 valuation set forth therein.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**SECTION 1:** Kimball Municipal Code Title 12 Chapter 1 shall be amended by with the addition of the following:

12-102 (b) All commercial remodeling projects shall be charged a Permit Fee as set forth below:

TOTAL VALUATION	PERMIT FEE
\$10,000 and Less	No fee, unless inspection is required, in which case a \$15.00 fee for each inspection shall be charged
\$10,000 to \$50,000	\$15.00 for the first 10,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00



\$50,000 to \$100,000	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,000 to \$500,000	460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000 and up	\$1660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

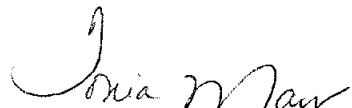
**SECTION 2:** Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts are severable and remain in full force and effect.

**SECTION 3**This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.


**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 4<sup>th</sup> day of October, 2007.

  
 \_\_\_\_\_  
 DAVID JACKSON, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Tonia May, Town Recorder

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Kevin L. Featherston  
 Attorney for the Town of Kimball

Passed on first reading     September 6, 2007

Public hearing                October 4, 2007

Passed on second reading   October 4, 2007

**ORDINANCE NUMBER 189**

**AN ORDINANCE TO AMEND TITLE 10, CHAPTER 2 OF THE KIMBALL MUNICIPAL CODE REGARDING VICIOUS DOGS.**

**WHEREAS**, vicious dogs continue represent a potential danger to citizens and other animals; and

**WHEREAS**, additional regulation and control of vicious dogs is needed to protect citizens and other small animals;

**WHEREAS**, the Kimball Municipal Code Title 10, Chapter 2, Section 10-2.3 D requires owners of vicious dogs to provide proof in insurance in the amount of \$100,000; and

**WHEREAS**, the Board of Mayor and Aldermen have determined the Municipal Code Title 10, Chapter 2, Section 10-2.3 D should be amended to toughen the regulation of vicious dogs by increasing the insurance requirement from \$100,000 to \$1,000,000 due to the extensive injuries that can be caused and the high medical cost that could be incurred as a result of said injuries.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the following regulations are enacted to provide for the safety and health of its citizens:

**Section 1:** Title 10, Chapter 2, shall be amended by the deletion of Section 10-2.3 D in its entirety and by adding the following as the new Section 10-2.3 D.


**10-2.3**

**D. Insurance.** Owners of vicious dogs must provide proof to the finance director of liability insurance in the amount of at least \$1,000,000, insuring the owner for any personal injuries inflicted by his or her vicious dog.

**Section 2:** Should any provision of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts are severable and shall remain in full force and effect.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 3<sup>rd</sup> day of January, 2008.

  
David Jackson, Mayor

ATTEST:  
  
Tonia May, Town Recorder

Passed on first reading December 6, 2007

Public hearing January 3, 2008

Passed on second reading January 3, 2008

**APPROVED AS TO FORM:**

  
Kevin L. Featherston, Attorney for the Town of Kimball

**ORDINANCE NO. 190**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION I-1 INDUSTRIAL DISTRICT TO R-1, LOW DENSITY RESIDENTIAL (AS SHOWN ON TAX MAP 132, PARCEL 059.00) LOCATED BETWEEN INDUSTRIAL BOULEVARD AND THE SOUTH BORDER OF INTERSTATE 24.**

- WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that

- Section 1** The amendment herein described shall replace the I-1, Industrial District with the R-1, Low Density Residential District, as indicated by the attached map titled Industrial Blvd. dated March 2008 and further described in Section 2.
- Section 2** Property is described as Parcel 059.00, Marion County tax map 132 (132 059.00), address 2598 Industrial Blvd..
- Section 3** The attached map titled Industrial Blvd. dated March 2008 further illustrates the area being zoned in Kimball, Tennessee.
- Section 4** **THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING: March 20, 2008**

**SECOND READING: April 3, 2008**

**ATTEST**

  
\_\_\_\_\_  
Town Recorder

  
\_\_\_\_\_  
Mayor

**ORDINANCE NO. 191**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133K, PARCEL 003.00) ROBERT BLOUNT PROPERTY**

- WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that

- Section 1** The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Business District, as indicated by the attached map titled Robert Blount dated March 2008 and further described in Section 2.
- Section 2** Property is described as Parcel 003.00, Marion County tax map 133K Group A (133K A 003.00), address 168 Sweetens Cove Road.
- Section 3** The attached map dated titled Robert Blount dated March 2008 further illustrates the area being zoned in Kimball, Tennessee.
- Section 4** **THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING: April 3, 2008**

**SECOND READING: May 1, 2008**

  
\_\_\_\_\_  
Mayor

**ATTEST**   
\_\_\_\_\_  
Town Recorder

**ORDINANCE NO. 192**

**AN ORDINANCE TO AMEND ORDINANCE NO. 185 CONCERNING THE BUDGET FOR THE YEAR 2007-2008 FOR THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS**, on the 1<sup>st</sup> day of July, 2007, as set forth in Ordinance 185, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

**WHEREAS**, as a result of unforeseen circumstances, the drug fund exceeded the figures set forth in said budget, in expenditures; and

**WHEREAS**, in order to balance the budget for the fiscal year 2007-2008, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendments to the budget set forth as

<b>FUND</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>DRUG FUND</b>			
<b>INCREASE EXPENDITURE</b>	\$3,500.00	\$200.00	\$3,700.00
<b>INCREASE REVENUES</b>	\$1,500.00	\$200.00	\$1,700.00

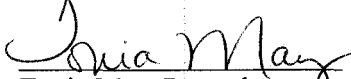
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

- Section 1:** That Ordinance 185 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 185, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2007-2008.
- Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.
- Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.


PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 1<sup>st</sup> day of July, 2008.

  
David Jackson, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
William L. Gouger, Jr., Attorney

Passed on First Reading June 5, 2008.

Passed on Second Reading July 1, 2008.

**AN ORDINANCE TO REGULATE THE STANDING OR PARKING OF IDLING MOTOR VEHICLES WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS**, as a municipal corporation duly organized and existing under the laws of the State of Tennessee, the Town of Kimball may enact local ordinances or regulations to regulate the standing and parking of motor vehicles; and

**WHEREAS**, the standing and parking of idling motor vehicles releases particles which can cause lung damage and aggravate existing lung diseases such as asthma; and

**WHEREAS**, children and the elderly are particularly susceptible to the negative health effects of motor vehicle emissions; and

**WHEREAS**, the standing and parking of idling motor vehicles for extended periods of time is generally unnecessary, contributes to noise pollution, and wastes fuel.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows

**TABLED**

Section 1. No standing or parked motor vehicle with a gross vehicle weight rating of Eight Thousand Pounds (8,000 lbs) or greater shall be allowed to idle for more than a total of five (5) minutes within a sixty (60) minute period except under the following circumstances:

- (a) The motor vehicle is an official Town of Kimball vehicle being utilized for official Town of Kimball business;
- (b) The motor vehicle idles while forced to remain motionless because of traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
- (c) The motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

- (d) A police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode, and not for the convenience of the vehicle operator;
- (e) The motor vehicle is owned by a public utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of utility services;
- (f) When the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (g) A bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while non-driver passengers are on board;
- (h) An armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- (i) When idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, unloading or processing cargo; controlling cargo temperature; and construction operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;
- (j) A motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided that idling is required as part of the inspection; and
- (k) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity.

Section 2. That any person who violates the provisions of this ordinance shall be guilty of an offense punishable by a fine not to exceed \$50.00 per occurrence.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, and its publication, the public welfare of the Town of Kimball requiring it.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_

**TABLED**



## Ordinance No. 194

### AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2008 – JUNE 30, 2009.

**BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**Section 1.** A budget consisting of the available funds and appropriations listed in sections 2 and 3 below, be and is hereby adopted for the Fiscal Year July 1, 2008 through June 30, 2009.

**Section 2.** Revenues and Fund Balances for the budget are as follows:

General Fund	\$2,782,200
General Fund Balance	\$1,063,443
State Street Aid Fund	\$ 36,800
State Street Aid Fund Balance	\$ 29,498
Drug Fund	\$ 1,500
Drug Fund Balance	\$ 10,335
Sewer Fund	\$ 47,500

**Section 3.** Expenditures for the budget are as follows:

General Fund	\$2,806,790
State Street Aid	\$ 36,800
Drug Fund	\$ 4,500
Sewer Fund	\$ 47,500

**Section 4.** Appropriations listed above may not be exceeded without enactment of an ordinance amending the budget.

**Section 5.** A detailed line item financial plan shall be prepared in support of the budget.

**Section 6.** There is hereby levied a property tax of \$.10 per \$100 of assessed valuation of taxable property in the Town of Kimball for the purpose of funding the FY 2008-2009 Annual Budget.

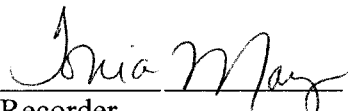
**Section 7.** This ordinance shall become effective on July 1, 2008, the public welfare requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 1<sup>st</sup> day of July, 2008.

First Reading: June 26, 2008

Second Reading: July 1, 2008

  
Mayor

Attest:   
Recorder

**GENERAL FUND TOWN OF KIMBALL**

**2008-2009**

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
31110	Real and Personal Property Tax		\$46,011	\$47,363.00	\$45,000	\$52,630	\$50,000
31211	Property Tax Delinquent 1st Year		\$997	\$1,547.00	\$500	\$1,320	\$500
31219	Property Tax Delinquent Other Prior Years		\$212	\$228.00	\$200	\$40	\$100
31320	Interest and Penalty on Property Taxes		\$72	\$588.00	\$200	\$320	\$200
31610	Local Sales Tax – Co. Trustee		\$1,439,840	\$1,398,519.00	\$1,300,000	\$1,305,000	\$1,300,000
31710	Wholesale Beer Tax		\$85,650	\$85,619.00	\$82,000	\$81,000	\$80,000
31820	Gross Receipt Tax (Business License)		\$119,499	\$124,001.00	\$100,000	\$112,180	\$100,000
31912	Cable TV Franchise Tax		\$9,015	\$6,700.00	\$4,000	\$8,870	\$6,000
31920	Room Occupancy Tax		\$158,190	\$138,021.00	\$136,000	\$162,260	\$136,000
<b>SUB TOTAL - LOCAL TAXES</b>			<b>\$1,859,486</b>	<b>\$1,802,586</b>	<b>\$1,667,900</b>	<b>\$1,723,620</b>	<b>\$1,672,800</b>
32210	Beer Licenses		\$2,250	\$2,200.00	\$1,500	\$1,500	\$1,500
32610	Building Permits		\$8,963	\$5,566.00	\$5,000	\$5,230	\$3,500
32611	Ambulance Rent		\$2,750	\$3,550.00	\$3,600	\$1,500	\$6,000
32612	911 Rent		\$2,400	\$2,400.00	\$1,200	\$2,400	\$2,400
32710	Sign Permits		\$3,485	\$2,546.00	\$1,500	\$1,920	\$1,500
<b>SUB TOTAL - LICENSE, PERMITS, RENT</b>			<b>\$19,848</b>	<b>\$16,262</b>	<b>\$12,800</b>	<b>\$12,550</b>	<b>\$14,900</b>
33110	Community Block Grant - Sewer Line Ext.		\$0	\$0.00	\$500,000	\$0	\$500,000
33400	State Grants - Interstate Lights & Fire Grant		\$0	\$0.00	\$71,500	\$71,630	\$85,500
33501	Telecommunications		\$237	\$221.00	\$200	\$150	\$150
33320	TVA Payments in Lieu of Taxes		\$9,538	\$10,888.00	\$8,000	\$9,130	\$8,000
33510	State Sales Tax		\$88,293	\$94,600.00	\$75,000	\$86,940	\$80,000
33520	State Income Tax		\$1,626	\$2,919.00	\$1,500	\$2,000	\$1,500
33530	State Beer Tax		\$652	\$704.00	\$600	\$720	\$600
33552	State-City Streets and Transport		\$2,918	\$2,893.00	\$2,500	\$2,860	\$2,500
33559	State- Police-Supplement Pay		\$9,855	\$4,800.00	\$5,400	\$7,160	\$5,400
<b>SUB TOTAL - STATE TAXES</b>			<b>\$113,119</b>	<b>\$117,025</b>	<b>\$664,700</b>	<b>\$180,590</b>	<b>\$683,650</b>

ACCOUNT NUMBER	REVENUE	ACCOUNT NAME	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
34121	Clerks' Fees – Business Tax		\$700	\$835.00	\$500	\$600	\$500
34240	Accident Report Charges		\$810	\$722.00	\$700	\$700	\$700
34400	Sanitation – Charges for Service		\$6,580	\$7,800.00	\$6,500	\$7,440	\$4,200
	<b>SUB TOTAL - FEES</b>		<b>\$8,090</b>	<b>\$9,357</b>	<b>\$7,700</b>	<b>\$8,740</b>	<b>\$5,400</b>
35110	City Court Fines and Costs		\$30,045	\$29,519.00	\$22,000	\$29,470	\$25,000
36100	Interest Earnings		\$27,319	\$21,704.00	\$18,000	\$27,340	\$18,000
36220	Lease of Property - Powertel & Signal One		\$8,900	\$7,400.00	\$7,400	\$7,420	\$7,400
36330	Sale of Equipment - Police Cars & land CHIPPER		\$305	\$5,000.00	\$0	\$1,350	\$0
36350	Insurance Recoveries		\$0	\$0.00	\$0	\$261,770	\$350,050
36600	Concessions		\$2,828	\$6,434.00	\$6,500	\$5,060	\$0
36710	Contributions and Donations - Fire Dept		\$750	\$0.00	\$0	\$2,000	\$0
36720	Contributions and Donations - Fireworks Festival		\$9,600	\$6,630.00	\$4,000	\$3,900	\$0
36730	Contributions and Donations - Parks		\$0	\$0.00	\$0	\$10	\$0
36990	Miscellaneous		\$7,152	\$21,811.00	\$5,100	\$5,680	\$5,000
	<b>SUB TOTAL - OTHER REVENUES</b>		<b>\$86,899</b>	<b>\$98,498</b>	<b>\$63,000</b>	<b>\$344,000</b>	<b>\$405,450</b>
	<b>Total Revenues</b>		<b>\$2,087,442</b>	<b>\$2,043,728</b>	<b>\$2,416,100</b>	<b>\$2,269,500</b>	<b>\$2,782,200</b>

**(REVENUES-EXPENSES)**

(\$76,818)

**-\$443,450****-\$78,400****-\$24,590****Beginning Fund Balance**

\$1,350,305

\$1,273,487

\$1,141,843

\$1,141,843

\$1,063,443

**Ending Fund Balance**

\$1,273,487

\$1,141,843

\$698,393

\$1,063,443

\$1,038,853

## EXPENDITURES

	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
41310					
161	Wages – Mayor	\$17,400	\$17,400.00	\$17,400	\$17,400
41510	City Recorder/Clerk/Assistant				
111	City Recorder Wages	\$39,763	\$40,000.00	\$41,000	\$42,640
120	Administrative Clerk Wages	\$30,862	\$31,522.00	\$30,250	\$31,460
121	Administrative Assistant Wages	\$17,396	\$19,787.00	\$22,400	\$22,980
124	Part time Employees	\$149	\$0.00	\$0	\$0
134	Vacation/Bonus Pay	\$1,050	\$1,050.00	\$1,500	\$1,100
41650	Personnel Administration				
161	Board/Administration Wages	\$28,800	\$28,800.00	\$28,800	\$28,800
167	Building Inspector	\$10,000	\$10,000.00	\$10,250	\$10,250
	<b>SUBTOTAL - WAGES, BOARD, RECORDER, CLERK</b>	<b>\$145,420</b>	<b>\$148,559</b>	<b>\$151,600</b>	<b>\$154,630</b>

	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
41810	<b>City Hall Building</b>				
241	Electric	\$16,025	\$16,510.00	\$16,500	\$20,000
242	Water	\$1,392	\$596.00	\$700	\$1,000
244	Gas	\$9,210	\$8,438.00	\$10,000	\$10,000
245	Telephone	\$8,452	\$9,214.00	\$9,000	\$10,000
265	Repair and Maintenance Grounds	\$11,901	\$4,050.00	\$7,500	\$7,500
321	Agriculture & Horticultures (Beautification)	\$394	\$22.00	\$300	\$4,000
914	Insurance Repairs			\$275,000	\$350,000
920	Building improvements	\$98,273	\$11,910.00	\$7,000	\$7,000
930	Improvements other than buildings	\$11,113	\$675.00	\$6,000	\$5,000
	<b>SUBTOTAL – CITY HALL BUILDING</b>	<b>\$156,760</b>	<b>\$51,415</b>	<b>\$57,000</b>	<b>\$414,500</b>

		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>41990</b>	<b>Other General Government Expenses</b>					
142	Health, Dental AD&D, Long Term Disability Insurance	\$164,505	\$174,288.00	<b>\$185,000</b>	\$174,000	<u>\$200,000</u>
143	Retirement TCRS State of Tennessee	\$37,673	\$32,470.00	<b>\$35,000</b>	\$35,000	<u>\$37,000</u>
149	Other Employer Contributions (Payroll Taxes)	\$53,551	\$50,919.00	<b>\$55,000</b>	\$52,500	<u>\$55,000</u>
166	Judge	\$4,900	\$4,900.00	<b>\$4,900</b>	\$4,800	<u>\$4,900</u>
167	Building Inspector Travel Expenses	\$2,737	\$1,369.00	<b>\$1,500</b>	\$500	<u>\$1,500</u>
190	Other Personal Services - Flowers	\$334	\$571.00	<b>\$500</b>	\$350	<u>\$500</u>
211	Postage, Box Rent, Ect.	\$1,522	\$1,940.00	<b>\$2,000</b>	\$2,000	<u>\$2,200</u>
213	Automotive License and Title	\$17	\$0.00	<b>\$100</b>	\$20	<u>\$100</u>
220	Printing, Duplicate, Ect.	\$1,915	\$1,618.00	<b>\$2,000</b>	\$1,500	<u>\$2,000</u>
231	Publication of Formal and Legal Notices	\$3,763	\$3,794.00	<b>\$3,500</b>	\$5,380	<u>\$3,800</u>
235	Memberships, Registration Fees, and Tuition	\$8,481	\$7,106.00	<b>\$9,000</b>	\$8,150	<u>\$9,000</u>
236	Public Relations	\$7,150	\$6,612.00	<b>\$7,500</b>	\$10,000	<u>\$8,500</u>
	St. Jude - \$1000      Shriners - \$400      Seige at Bridgeport \$250 Lions Club - \$800      MC Sheriff Christmas Fund \$250      Domestic Violence \$2500 Marion Co. Fair \$800      Relay for Life \$1000      Rotary Club \$100      Jasper Jaycees \$1000					
238	Scholarships	\$4,040	\$4,000.00	<b>\$4,000</b>	\$4,000	<u>\$4,000</u>
239	Other Publicity - Ads	\$947	\$895.00	<b>\$1,000</b>	\$1,000	<u>\$1,000</u>
245	Telephone – Cell Phones	\$622	\$556.00	<b>\$700</b>	\$700	<u>\$700</u>
246	Fire Hydrant Rental	\$9,400	\$10,500.00	<b>\$9,400</b>	\$10,500	<u>\$10,500</u>
249	Other Utility Services – Pest Control	\$840	\$1,030.00	<b>\$1,100</b>	\$970	<u>\$1,300</u>
252	Legal Services	\$29,623	\$30,900.00	<b>\$40,000</b>	\$28,000	<u>\$28,000</u>
253	Accounting and Auditing Services	\$13,378	\$15,625.00	<b>\$15,000</b>	\$18,600	<u>\$18,000</u>
255	Data Processing Services – Computer	\$14,684	\$23,165.00	<b>\$16,000</b>	\$18,000	<u>\$35,000</u>
257	Tennessee State Planning Office Services	\$4,500	\$4,500.00	<b>\$5,300</b>	\$5,250	<u>\$5,500</u>
259	Other Prof Services (Janitorial, Survey, Engineer)	\$29,639	\$15,000.00	<b>\$15,000</b>	\$15,000	<u>\$15,000</u>
261	Repair and Maintenance Vehicles	\$108	\$165.00	<b>\$500</b>	\$400	<u>\$500</u>
283	Out of Town Expense - Travel	\$2,059	\$1,651.00	<b>\$2,000</b>	\$2,000	<u>\$3,000</u>
287	Kimball Fireworks Festival	\$96,381	\$67,970.00	<b>\$70,000</b>	\$66,820	<u>\$0</u>

41990	Other General Government Expenses	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
288	Concessions	\$1,678	\$0.00	\$0	\$0	\$0
289	Open House	\$1,265	\$0.00	\$0	\$0	\$0
290	Other Contractual Services	\$72,596	\$67,047.00	\$80,000	\$70,000	\$65,000
310	Office Supplies and Materials	\$13,563	\$6,994.00	\$10,000	\$5,000	\$8,000
313	Flags	\$1,694	\$70.00	\$500	\$700	\$500
320	Operating Supplies/Float	\$2,576	\$400.00	\$400	\$400	\$500
322	Medical and Flu Shots	\$127	\$165.00	\$200	\$120	\$200
323	Food - Christmas Dinner/Hams/Turkeys/Picnic	\$7,883	\$8,274.00	\$7,500	\$7,880	\$7,500
324	Household and Janitorial Supplies	\$2,621	\$3,222.00	\$3,000	\$3,000	\$3,000
326	Clothing	\$272	\$119.00	\$300	\$300	\$300
329	Other Operating Supplies	\$410	\$0.00	\$0	\$0	\$0
331	Gas & Diesel Fuel	\$35,930	\$32,180.00	\$40,000	\$40,500	\$50,000
334	Tires, Tubes, Ect	\$708	\$0.00	\$0	\$0	\$0
511	Insurance on Buildings	\$41,881	\$43,000.00	\$43,000	\$41,060	\$43,000
514	Surety bonds	\$1,201	\$925.00	\$1,000	\$900	\$1,000
515	Workers Compensation Ins.	\$44,999	\$37,445.00	\$45,000	\$40,000	\$45,000
522	Vehicle Ins.	\$10,500	\$13,611.00	\$15,000	\$15,000	\$15,000
555	Bank Charges - overdrawn,checks,deposit slips	\$127	\$45.00	\$100	\$0	\$100
569	Litigation Tax	\$1,263	\$1,270.00	\$1,500	\$1,600	\$1,500
597	Refund on overpayments	\$77		\$0	\$0	\$0
621	Debt Principle (Lease Police Car Payments & land)	\$162,085	\$164,072.00	\$100,000	\$100,000	\$0
630	Interest (lease car & land)	\$10,108	\$1,116.00	\$3,500	\$3,320	\$0
700	Grants Bills				\$2,390	\$0
770	Grants - Sewer Line Ext.	\$0	\$2,191.00	\$630,000	\$0	\$630,000
930	Improvements (Christmas Decorations)	\$4,912	\$0.00	\$0	\$13,000	\$0
934	Water and sewer line improvements	\$0	\$25,258.00	\$0	\$22,990	\$0
937	Parks and Recreation	\$4,108		\$0	\$0	\$0
	<b>Subtotal - Other General Expenses</b>	<b>\$915,253</b>	<b>\$868,848</b>	<b>\$1,466,900</b>	<b>\$833,600</b>	<b>\$1,317,500</b>

42100	<b>Police</b>	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
111	Chief - Wages	\$42,978	\$43,600.00	<b>\$44,000</b>	\$44,000	\$45,760
121	Patrolmen - Wages	\$282,038	\$284,047.00	<b>\$288,900</b>	\$287,600	\$299,700
123	Overtime	\$36,985	\$40,263.00	<b>\$34,000</b>	\$38,000	\$34,000
134	Bonus Pay/Supplement	\$8,337	\$3,176.00	<b>\$8,500</b>	\$8,280	\$8,500
190	Other Personal Services – Flowers	\$0	\$95.00	<b>\$0</b>	\$100	\$0
220	Printing, Duplicating, Ect.	\$650	\$689.00	<b>\$700</b>	\$400	\$400
235	Memberships, Registration Fees and Tuition	\$1,485	\$2,000.00	<b>\$2,500</b>	\$2,000	\$2,000
245	Telephone - Cell phone Chief and Lt.	\$1,355	\$1,474.00	<b>\$1,400</b>	\$1,700	\$1,400
261	Repair and Maintenance Motor Vehicle	\$5,079	\$3,808.00	<b>\$5,000</b>	\$4,500	\$5,000
262	Repair & Maint. Other Machinery	\$561	\$1,391.00	<b>\$1,200</b>	\$1,000	\$1,000
283	Out of Town Expense - Travel	\$1,727	\$463.00	<b>\$1,000</b>	\$600	\$800
290	Other Contractual Services -Towing	\$335	\$100.00	<b>\$300</b>	\$300	\$400
310	Office Supplies and Materials	\$750	\$1,439.00	<b>\$1,500</b>	\$1,000	\$1,000
320	Operating Supplies	\$7,221	\$2,120.00	<b>\$7,500</b>	\$2,500	\$4,000
322	Chemical, Lab, Medical	\$465	\$475.00	<b>\$800</b>	\$320	\$600
323	Food	\$389	\$364.00	<b>\$500</b>	\$400	\$500
326	Clothing and Uniforms	\$6,462	\$7,257.00	<b>\$6,000</b>	\$6,800	\$6,000
327	Fire Arms Supplies	\$464	\$614.00	<b>\$700</b>	\$300	\$500
331	Oil Changes	\$886	\$1,064.00	<b>\$1,200</b>	\$1,200	\$1,500
332	Motor Vehicle Parts	\$100	\$1,191.00	<b>\$1,000</b>	\$1,600	\$1,500
333	Equipment	\$4,113	\$0.00	<b>\$0</b>	\$0	\$0
334	Tires, Tubes and Ect	\$3,542	\$1,556.00	<b>\$3,200</b>	\$3,200	\$3,200
	<b>SUB TOTAL – POLICE</b>	<b>\$405,922</b>	<b>\$397,186</b>	<b>\$409,900</b>	<b>\$405,800</b>	<b>\$417,760</b>

		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>42200</b>	<b>Fire Protection and Control</b>					
121	Chief - Wages	\$4,200	\$4,200.00	\$4,800	\$4,800	\$4,800
124	Wages - Part time Employers - Records and Maint.			\$0	\$5,070	\$6,700
162	Firemen - Per Call Pay	\$1,090	\$3,437.00	\$4,000	\$3,540	\$4,900
190	Other Personal Services - Flowers	\$40	\$89.00	\$200	\$0	\$200
235	Memberships, Registration Fees and Tuition	\$300	\$251.00	\$500	\$500	\$500
236	Public Relation Misc	\$83	\$0.00	\$600	\$400	\$600
260	Repair and Maintenance Services	\$2,776	\$684.00	\$3,000	\$1,000	\$3,000
261	Repair and Maintenance Vehicles	\$785	\$818.00	\$1,500	\$500	\$1,500
283	Out of Town Expense - Travel	\$614	\$225.00	\$1,000	\$1,000	\$1,000
287	Meals and Entertainment	\$1,184	\$1,276.00	\$2,000	\$300	\$1,500
310	Office Supplies	\$0	\$0.00	\$100	\$200	\$400
320	Operating Supplies	\$14,411	\$8,418.00	\$10,000	\$5,500	\$7,500
322	Chemical, Lab, Medical	\$0	\$120.00	\$400	\$0	\$400
326	Clothing and Uniforms	\$4,238	\$3,790.00	\$5,000	\$3,000	\$8,500
331	Oil changes	\$786	\$0.00	\$1,000	\$700	\$1,000
332	Motor Vehicle Parts	\$798	\$85.00	\$1,200	\$200	\$1,000
511	General Liability Ins. Steve Frost Agency	\$2,639	\$2,723.00	\$3,000	\$2,790	\$3,000
770	Grant Bills - FEMA Grant	\$0	\$0.00	\$75,400	\$75,360	\$90,000
771	\$2000 Grant bills				\$2,000	\$0
940	Tanker	\$148,232	\$0.00	\$0	\$0	\$0
	<b>SUB TOTAL - FIRE DEPARTMENT</b>	<b>\$182,176</b>	<b>\$26,116</b>	<b>\$113,700</b>	<b>\$106,860</b>	<b>\$136,500</b>

		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>42620</b>	<b>Rescue Squad</b>					
219	Other Communication (Pagers)	\$2,125	\$2,004.00	\$2,500	\$0	\$500
235	Memberships, Registration Fees	\$293	\$240.00	\$500	\$500	\$500
261	Repair and Maint Service Vehicles	\$1,002	\$100.00	\$2,000	\$500	\$2,000
310	Office Supplies and Materials	\$0	\$0.00	\$100	\$0	\$0
320	Operating Supplies	\$94	\$1,490.00	\$5,000	\$500	\$8,500
331	Oil changes	\$83	\$0.00	\$100	\$0	\$100
	<b>SUB TOTAL - RESCUE SQUAD</b>	<b>\$3,597</b>	<b>\$3,834</b>	<b>\$10,200</b>	<b>\$1,500</b>	<b>\$11,600</b>



		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>43100</b>	<b>Highways and Streets</b>					
111	Supervisor - Wages	\$17,578	\$14,729.00	<b>\$16,625</b>	\$11,040	<u>\$0</u>
121	Crew - Wages	\$63,136	\$69,917.00	<b>\$74,200</b>	\$66,500	<u>\$77,500</u>
123	Overtime	\$3,156	\$2,294.00	<b>\$3,000</b>	\$2,850	<u>\$3,000</u>
124	Temporary Wages	\$9,286	\$3,496.00	<b>\$0</b>	\$0	<u>\$0</u>
134	Bonus Pay	\$1,050	\$1,050.00	<b>\$1,100</b>	\$960	<u>\$900</u>
235	Memberships, Registration Fees	\$0	\$179.00	<b>\$500</b>	\$0	<u>\$200</u>
236	Public Relation	\$600		<b>\$0</b>	\$0	<u>\$0</u>
245	Telephone - Cell Phone	\$528	\$574.00	<b>\$600</b>	\$620	<u>\$700</u>
247	Street Light Electricity	\$6,102	\$2,353.00	<b>\$7,000</b>	\$9,000	<u>\$8,000</u>
248	Traffic Light Electricity	\$2,685	\$2,870.00	<b>\$2,800</b>	\$3,400	<u>\$3,500</u>
260	Repair and Maintenance Traffic Light	\$4,650	\$1,000.00	<b>\$1,000</b>	\$1,000	<u>\$1,000</u>
261	Repair and Maintenance Motor Vehicle	\$3,761	\$3,761.00	<b>\$3,500</b>	\$3,500	<u>\$3,500</u>
262	repair and Maintenance other machinery	\$199	\$3,427.00	<b>\$2,000</b>	\$2,000	<u>\$2,000</u>
283	Out of Town Expenses	\$0	\$245.00	<b>\$500</b>	\$100	<u>\$200</u>
320	Operating Supplies	\$6,261	\$5,556.00	<b>\$5,000</b>	\$5,000	<u>\$5,000</u>
322	Chemical, Laboratory	\$912	\$1,140.00	<b>\$1,000</b>	\$300	<u>\$500</u>
323	Food	\$0	\$148.00	<b>\$200</b>	\$120	<u>\$200</u>
326	Clothing and Uniforms (Gloves,boots,safety glasses coveralls)	\$2,612	\$1,982.00	<b>\$2,000</b>	\$1,300	<u>\$1,500</u>
331	Oil Changes	\$490	\$237.00	<b>\$1,000</b>	\$1,000	<u>\$1,000</u>
332	Motor Vehicle Parts	\$351	\$1,054.00	<b>\$1,000</b>	\$1,100	<u>\$1,000</u>
334	Tires, Tubes & Ect	\$408	\$3,618.00	<b>\$2,500</b>	\$2,500	<u>\$2,500</u>
342	Sign Parts and Supplies	\$3,400	\$1,118.00	<b>\$1,500</b>	\$1,000	<u>\$1,200</u>
450	Raw Materials	\$1,193	\$980.00	<b>\$2,500</b>	\$1,000	<u>\$2,000</u>
510	Insurance Repairs				\$4,680	<u>\$0</u>
931	Road Materials and Repairs	\$53,146	\$19,083.00	<b>\$55,000</b>	\$3,000	<u>\$30,000</u>
932	Drainage Improvements	\$0	\$5,150.00	<b>\$10,000</b>	\$0	<u>\$15,000</u>
940	Truck	\$0		<b>\$18,000</b>	\$19,600	<u>\$0</u>
	<b>SUB TOTAL – HIGHWAY AND STREET</b>	<b>\$181,504</b>	<b>\$145,961</b>	<b>\$212,525</b>	<b>\$141,570</b>	<b>\$160,400</b>

		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>43200</b>	<b>SANITATION DEPT.</b>					
111	Supervisor - Wages	\$14,382	\$14,729.00	\$16,625	\$11,040	\$0
121	Crew - Wages	\$51,366	\$69,916.00	\$74,200	\$68,500	\$77,500
123	Overtime	\$1,060	\$1,059.00	\$1,500	\$1,000	\$1,500
124	Part time Wages	\$1,377	\$3,120.00	\$0	\$0	\$0
134	Bonus Pay	\$700	\$1,050.00	\$1,100	\$1,050	\$900
261	Repair and Maintenance Motor Vehicle	\$372	\$1,832.00	\$3,000	\$2,000	\$3,000
295	Landfill Services	\$28,562	\$30,023.00	\$31,000	\$29,000	\$31,000
320	Operating Supplies	\$105	\$496.00	\$1,000	\$110	\$500
326	Clothing and Uniforms	\$2,024	\$2,817.00	\$3,000	\$3,050	\$4,000
331	Oil Changes	\$278	\$0.00	\$1,000	\$600	\$500
332	Motor Vehicle Parts	\$230	\$42.00	\$1,000	\$1,000	\$1,000
334	Tires, Tubes and Ect.	\$0	\$1,661.00	\$3,000	\$3,200	\$2,500
	<b>SUB TOTAL- SANITATION</b>	<b>\$100,456</b>	<b>\$126,745</b>	<b>\$136,425</b>	<b>\$120,550</b>	<b>\$122,400</b>

		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>42300</b>	<b>Animal Control</b>					
259	Other Professional Service - Vet	\$55	\$0.00	\$200	\$350	\$200
320	Operating Supplies	\$0	\$0.00	\$100	\$550	\$300
	<b>SUB TOTAL - Animal Control</b>	<b>\$55</b>	<b>\$0</b>	<b>\$300</b>	<b>\$900</b>	<b>\$500</b>

		CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
<b>44700</b>	<b>Parks</b>					
254	Engineering Fees	\$0	\$25,317.00	\$0	\$0	\$0
290	Other Contractual Services	\$0		\$0	\$0	\$0
320	Operating Supplies	\$0	\$819.00	\$1,000	\$3,680	\$1,000
937	Park and Recreation Facilities	\$0	\$327,035.00	\$300,000	\$260,000	\$70,000
950	Railroad Crossing	\$0		\$0	\$0	\$0
	<b>SUBTOTAL - PARKS</b>	<b>\$0</b>	<b>\$353,171</b>	<b>\$301,000</b>	<b>\$263,680</b>	<b>\$71,000</b>

TRANSFER OUT to Sewer Fund

\$73,117 \$53,537.00 \$0

**Total Expenditures****\$2,164,260 \$2,175,372 \$2,859,550 \$2,347,900 \$2,806,790**

## STATE STREET AID FUND

## TOWN OF KIMBALL

2008-2009

Account Number	Revenue 121	CPA #2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
33551	State Gas Tax	\$36,934.00	\$36,860.00	\$36,700	\$37,610	\$36,700
36100	Interest	\$105.00	\$120.00	\$100	\$90	\$100
	<b>Total Revenues</b>	\$37,039.00	\$36,980.00	\$36,800	\$37,700	\$36,800
	<b>Total Revenues - Total Expenses</b>	\$414.00	\$490.00	\$0		
	<b>Fund balance - Beginning of year</b>	\$27,314.00	\$27,728.00	\$28,218.00	\$28,218.00	\$29,498.00
	<b>Fund balance - end of year</b>	\$27,728.00	\$28,218.00	\$28,218.00	\$29,498.00	\$29,498.00

Account Number	Expenditures 121 43100	CPA #2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
247	Street Lights Electricity	\$36,625.00	\$36,490.00	\$36,800	\$36,420	\$36,800
	<b>Total Expenditures</b>	\$36,625.00	\$36,490.00	\$36,800	\$36,420	\$36,800

## DRUG FUND

## TOWN OF KIMBALL

2008-2009

Account Number	Revenue 123	CPA # 2005-2006	CPA # 2006-2007	BUDGETED & Amended 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
35140	Drug Related Fines	\$1,081.00	\$3,843.00	\$1,700	\$5,640	\$1,500
	<b>Total Revenues</b>	\$1,081.00	\$3,843.00	\$1,700	\$5,640	\$1,500

Account Number	Expenditures 123 42129	CPA # 2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
320	Operating Supplies	\$0.00	\$3,066.00	\$3,700	\$3,640	\$4,500
	<b>Total Expenditures</b>	\$0.00	\$3,066.00	\$3,700	\$3,640	\$4,500

	<b>Fund Balance - beginning of year</b>	\$6,477.00	\$7,558.00	\$8,335	\$8,335	\$10,335
	<b>Fund Balance - end of year</b>	\$7,558.00	\$8,335.00	\$6,335	\$10,335	\$7,335

## SEWER FUND

## TOWN OF KIMBALL

2008-2009

REVENUE 412		CPA #2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
37210	Sewer Services Charges	\$39,452.00	\$40,598.00	\$39,000	\$40,900	\$39,000
36100	Interest Earnings	\$3,728.00	\$3,357.00	\$1,500	\$1,500	\$1,500
37296	Sewer Tap Fees	\$2,000.00	\$1,000.00	\$2,000	\$0	\$1,000
37299	Grease Trap Fees	\$6,300.00	\$6,600.00	\$7,250	\$6,600	\$6,000
37990	Other Non-Operating Rev. (Transfer In)	\$73,117.00	\$53,537.00	\$0	\$0	\$0
<b>Total Revenues</b>		<b>\$124,597.00</b>	<b>\$105,092.00</b>	<b>\$49,750</b>	<b>\$49,000</b>	<b>\$0 \$47,500</b>

EXPENDITURES 412 52200		CPA #2005-2006	CPA # 2006-2007	BUDGETED 2007-2008	ESTIMATED 2007-2008	PROPOSED 2008-2009
121	Salaries	\$530.00	\$314.00	\$600	\$500	\$600
235	Mem, Registrations	\$425.00	\$450.00	\$450	\$450	\$450
241	Electric	\$4,416.00	\$6,031.00	\$6,000	\$4,000	\$4,850
260	Repairs	\$5,295.00	\$5,065.00	\$6,000	\$700	\$6,000
283	Out of town expense	\$0.00	\$17.00	\$100	\$0	\$100
290	Samples & Prof. Ser.	\$6,430.00	\$5,655.00	\$5,500	\$5,500	\$5,500
340	Other Repairs & Maints	\$908.00	\$1,100.00	\$1,100	\$1,100	\$0
540	Depreciation	\$28,547.00	\$29,217.00	\$30,000	\$30,000	\$30,000
555	Bank Service Charge	\$0.00	\$0.00	\$0	\$0	\$0
611	Retirement of Bonds	\$146,236.00	\$0.00	\$0	\$0	\$0
630	Interest Expense	\$4,399.00	\$0.00	\$0	\$0	\$0
693	Bond Am. Expense	\$2,723.00	\$0.00	\$0	\$0	\$0
<b>Total Expenditures</b>		<b>\$199,909.00</b>	<b>\$47,849.00</b>	<b>\$49,750</b>	<b>\$42,250</b>	<b>\$47,500</b>

## ORDINANCE NO. 195

### **AN ORDINANCE TO AMEND ORDINANCE NOS. 51 AND 116 TO MODIFY THE GARBAGE COLLECTION FEES, PICK-UP SCHEDULE, AND BILLING SCHEDULES FOR THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS**, by Ordinance Nos. 51 and 116, the Town of Kimball, Tennessee enacted ordinances to provide for the establishment of garbage collection fees and to provide for methods and intervals of billing; and

**WHEREAS**, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball to decrease the garbage collection fee from its current rate of \$40.00 per month for three days per week pick-up service to \$25.00 per month for two days per week pick-up service, effective on the first day of the first month following final reading of this ordinance; and

**WHEREAS**, it is further the desire of the Board of Mayor and Aldermen of the town of Kimball to accomplish this modification of the garbage collection rate by deleting Sections 1, 2, and 3 of Ordinance Nos. 51 and 116 in their entirety and substituting the following language in lieu thereof.

**IT IS, THEREFORE, ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, as follows:

That Sections One (1), Two (2), and Three (3), of Ordinance Nos. 51 and 116 of the Town of Kimball be and the same are hereby deleted in their entirety, and the following shall be substituted in lieu thereof:


Section One: It is hereby established and imposed a garbage collection fee of \$25.00 per month for two days per week pick-up service for the users of the commercial garbage collection service within the Town of Kimball, Tennessee.

Section Two: The City Recorder or assignee shall prepare statements twice yearly in January and July of each calendar year showing the total fee of \$150.00 due for each upcoming six-month term and shall mail or cause the same to be delivered to the user within ten (10) days after the beginning of each six-month term.

Section Three: Any person or user failing to pay the fee hereby established when and as the same become due, which failure continues for a period of ten (10) days from and after notice as provided in Section Two above, shall have the service discontinued and shall not have same restored until all past-due fees have been paid in full.

This Ordinance and the above-established garbage collection fee, pick-up and billing schedules shall become effective after passage and publication as required by law, the public welfare requiring it.

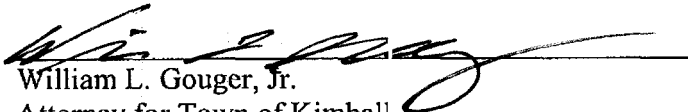
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 1st day of July, 2008.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William L. Gouger, Jr.  
Attorney for Town of Kimball

Passed on first reading June 26, 2008

Passed on second reading July 1, 2008

**ORDINANCE NO. 197**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF KIMBALL, TENNESSEE BY REZONING CERTAIN PROPERTIES HEREIN DESCRIBED FROM ZONING CLASSIFICATION R-1, LOW DENSITY RESIDENTIAL DISTRICT TO C-2, HIGHWAY BUSINESS DISTRICT (AS SHOWN ON TAX MAP 133D, PARCEL 027.00) CARRIN J. MOATS PROPERTY**

- WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning map, as herein described; and
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendments herein described;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that


- Section 1** The amendment herein described shall replace the R-1, Low Density Residential District with the C-2, Highway Business District, as indicated by the attached map titled Rezoning Request, R-1 to C-2, July 2008 and further described in Section 2.
- Section 2** Property is described as Parcel 027.00, Marion County Tax Map 133D Group A (133D A 027.00), address Kimball Cove Road 11.
- Section 3** The attached map dated titled Rezoning Request, R-1 to C-2, dated July 2008 further illustrates the area being zoned in Kimball, Tennessee.
- Section 4** **THEREFORE BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

**FIRST READING:** August 14, 2008

**SECOND READING:** September 4, 2008

  
\_\_\_\_\_  
Mayor

**ATTEST**

  
\_\_\_\_\_  
Town Recorder

## **ORDINANCE NUMBER 198**

### **AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO MAINTAIN ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS,** Tennessee Code Annotated (TCA) Section 13-7-201 through 210 delegates the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS,** TCA Section 13-7-204 authorizes amendments to a zoning map or ordinance; and

**WHEREAS,** in accordance with TCA Section 13-7-203 Subsection (a) the Kimball Municipal Planning Commission approved and recommended the zoning amendment herein described to the Board of Mayor and Alderman; and

**WHEREAS,** in accordance with TCA Section 13-7-203 Subsection (a), a public hearing was held prior to the final reading of this ordinance to amend the Official Zoning Ordinance of the Town of Kimball, Tennessee.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of Mayor and Alderman of Kimball, Tennessee, in accordance with those powers granted to it by the State of Tennessee that the Official Zoning Ordinance of Kimball, Tennessee be amended as follows:

Section 1: That the attached Municipal Floodplain Zoning Ordinance replaces the Flood Damage Prevention Ordinance found in Title 14, Chapter 8 of the Kimball Municipal Code.

**See attached Municipal Floodplain Zoning Ordinance.**



**MUNICIPAL FLOODPLAIN ZONING ORDINANCE**

**ARTICLE I.            STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**Section A.            Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Kimball, Tennessee Board of Mayor and Alderman, does ordain as follows:

**Section B.            Findings of Fact**

1. The Town of Kimball Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Kimball are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

**Section C.            Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section D.        Objectives**

The objectives of this Ordinance are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

**ARTICLE II.        DEFINITIONS**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

**"Accessory Structure"** shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

**"Act"** means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered **"New Construction"**.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

**"Area of Special Flood-related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Base Flood"** means the flood having a one percent chance of being equalled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Breakaway Wall"** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**"Building"**, means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program" or "Emergency Program"** means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

**"Exception"** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final

site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

**"Existing Structures"** see **"Existing Construction"**.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Flood-related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related Erosion Area" or "Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Floor"** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"**, unless such transportable structures are placed on a site for 180 consecutive days or longer.

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain



management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or

foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

**"Structure"**, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation

or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Section A. Application**

This Ordinance shall apply to all areas within the incorporated area of Kimball, Tennessee.

#### **Section B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Jasper, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 47115C0205C, 47115C0210C, 47115C0212C, 47115C0215C, 47115C0216C and 47115C0220C, dated 2-4-2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

#### **Section C. Requirement for Development Permit**

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

#### **Section D. Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

#### **Section E. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**Section F. Interpretation**

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

**Section G. Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Kimball, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**Section H. Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Kimball, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**ARTICLE IV. ADMINISTRATION**

**Section A. Designation of Ordinance Administrator**

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

**Section B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but

is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV. Section B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared

by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**Section C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have

been flood-proofed, in accordance with Article IV. Section B.

7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

**ARTICLE V.           PROVISIONS FOR FLOOD HAZARD REDUCTION**

**Section A.           General Standards**

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

**Section B.        Specific Standards**

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:



1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V. Section B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV. Section B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2) The bottom of all openings shall be no higher than one foot above the finish grade; and

3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

- 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
  - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Article V. Section B. 4 of this Ordinance.
  - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - e. All recreational vehicles placed on identified flood hazard sites must either:
    - 1) Be on the site for fewer than 180 consecutive days;
    - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
    - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

**Section C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated**

Located within the Areas of Special Flood Hazard established in Article III. Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

**Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Areas of Special Flood Hazard established in Article III. Section B, where streams exist with base flood data

provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V. Section B.

**Section E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)**

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no

less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, and "Elevated Buildings".

**Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)**

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

**Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)**

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. And Article V. Section A. shall apply.

**Section H. Standards for Unmapped Streams**

Located within Kimball, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

**ARTICLE VI. VARIANCE PROCEDURES**

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Kimball, Tennessee.

**Section A. Board of Zoning Appeals**

1. The Kimball Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - a. The danger that materials may be swept onto other property to the injury of others;
  - b. The danger to life and property due to flooding or erosion;
  - c. The susceptibility of the proposed facility and its contents to flood damage;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of



variances as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**ARTICLE VII. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Kimball, Tennessee, the most restrictive shall in all cases apply.

**Section B. Validity**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other

section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

**Section C. Effective Date**

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Kimball, Tennessee, and the public welfare demanding it.

Recommended by the Kimball Municipal Planning Commission.

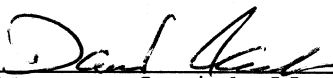
August 19, 2008  
Date

Public Hearing.

October 2, 2008  
Date

Approved and adopted by the Kimball, Tennessee Mayor and Legislative Body.

October 2, 2008  
Date

  
\_\_\_\_\_  
Mayor of Kimball, Tennessee

Attest:   
\_\_\_\_\_  
City Recorder

1st Reading September 4, 2008

2nd Reading October 2, 2008

## ORDINANCE NO. 199

### AN ORDINANCE TO AMEND ORDINANCE NOS. 2, 11, 28, and 78 TO ESTABLISH DISTANCE REQUIREMENTS FOR ESTABLISHMENTS SELLING LIQUOR BY THE DRINK

**WHEREAS**, by virtue of Ordinance Nos. 2, 11, 28, and 78, the Town of Kimball, Tennessee, has previously enacted a system and procedures whereby appropriately-licensed businesses may sell beer, ale or beverages of like alcoholic content for consumption on the premises of such businesses within the corporate limits of the Town of Kimball; and

**WHEREAS**, by referendum of the voters passed at the general election held in the Town on November 4, 2008, the voters in the Town approved and authorized the sale of liquor by the drink for on-premise consumption within the Town; and

**WHEREAS**, in order to promote uniformity and consistency in the application of the Town's regulations and Tennessee State law to businesses selling beer and/or liquor for on-premise consumption within the Town's corporate limits, it is the desire and intent of the Board of Mayor and Aldermen of the Town to impose and enforce distance requirements for liquor-selling businesses that are identical to and uniform with those existing requirements for beer-selling businesses.

**NOW, THEREFORE**, be it ordained by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that Ordinance Nos. 2, 11, 28, and 78 be amended by adding thereto the following provisions:

**Section 1.** That no business or establishment selling liquor by the drink shall be located within 1,000 feet of any school, church, or other place of public gathering, measured along the nearest highway or street right of way, nor shall any such business or establishment be located at any site that may cause congestion of traffic or interfere with school, church, or other public, health, safety and morals.

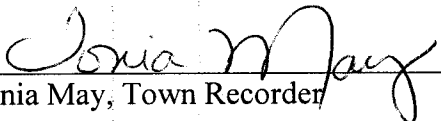
**Section 2.** That the Board recognizes that licensing and regulation of businesses and establishments selling liquor by the drink are the responsibility of the State of Tennessee, Alcoholic Beverage Commission, and that said Commission is urged and requested to honor and enforce said distance requirement.

**Section 3.** That this Ordinance shall take effect immediately upon final passage and publication of the ordinance or its caption as required by law, the public welfare requiring it.

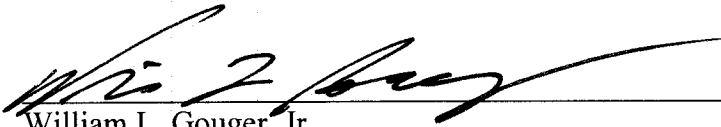
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup>  
and final reading on the 5<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William L. Gouger, Jr.  
Attorney for Town of Kimball

**Passed on first reading** February 5, 2009

**Passed on second reading** March 5, 2009

**ORDINANCE NO. 200**

**AN ORDINANCE ESTABLISHING A MAXIMUM AMOUNT FOR PURCHASES WITHOUT PUBLIC ADVERTISEMENT AND COMPETITIVE BIDDING.**

**WHEREAS**, the Town of Kimball, Tennessee is subject to the provisions of the Municipal Purchasing Law of 1983; and

**WHEREAS**, this law has been amended by Chapter No. 269, Public Acts of 1999, permitting municipalities to increase the dollar amount of purchases requiring public advertisement and competitive bidding; and

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has determined that it is in the best interest of the Town of Kimball to increase said amount.

**NOW, THEREFORE**, be it ordained by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that:

**Section 1.** Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of Ten Thousand and No/100 (\$10,000.00) Dollars, except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983.

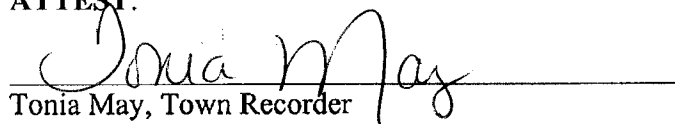
**Section 2.** This ordinance shall take effect from and after its final passage, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 5TH day of MARCH, 2009.



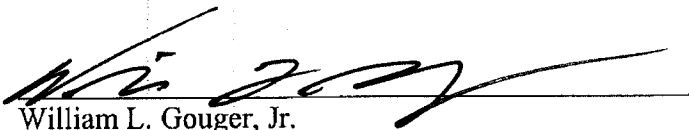
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**



\_\_\_\_\_  
Tonia May, Town Recorder

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "W. L. Gouger, Jr.", written over a horizontal line.

William L. Gouger, Jr.  
Attorney for Town of Kimball

Passed on first reading February 5, 2009

Passed on second reading March 5, 2009

**ORDINANCE NO. 201**

**AN ORDINANCE TO AMEND ORDINANCE NO 12 MAKING IT UNLAWFUL TO DISCHARGE FIREARMS OR OTHER DANGEROUS WEAPONS WITHIN THE TOWN OF KIMBALL, TENNESSEE, EXCEPT WHEN ENGAGED IN HUNTING.**

**WHEREAS**, by virtue of Ordinance No. 12, the Town of Kimball, Tennessee, has previously made it unlawful to discharge firearms or other dangerous weapons within the Town; and

**WHEREAS**, a question has arisen regarding the legality of such prohibition as it pertains to the practice of hunting within the Town limits, and it is now the desire and intent of the Board of Mayor and Aldermen of the Town to clarify such prohibition and recognize the superior rights of the State of Tennessee to regulate hunting as provided by T.C.A. Section 70-1-101, et seq.

**NOW, THEREFORE**, be it ordained by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that Ordinance No.12 be amended and restated to read as follows:

**Section 1.** From and after this date it shall be unlawful for any person within the corporate limits of the Town of Kimball, Tennessee, to shoot, fire or discharge any shot gun, rifle, pistol, air pistol, air rifle, "BB" gun or sling shot capable of discharging a metal bullet or pellet whether propelled by spring, compressed air, expanding gas, explosive or other force-producing means or method.

**Section 2.** This Ordinance shall not apply to any person lawfully engaged in the act of "hunting" as said term is defined by T.C.A. Section 70-1-101(a)(19).

**Section 3.** That any person in violation of any section, part or provision of this Ordinance shall upon conviction be fined in the amount of not less than \$2.00 nor more than \$50.00.

**Section 4.** That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

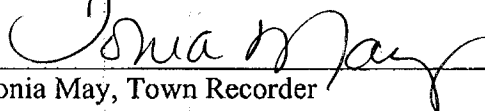
**Section 5.** That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

**Section 6.** That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

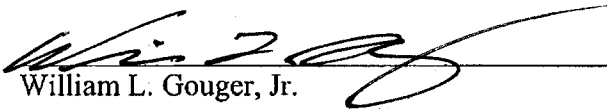
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 2<sup>nd</sup> day of April, 2009.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William L. Gouger, Jr.  
Attorney for Town of Kimball

Passed on first reading May 5<sup>th</sup>, 2009

Passed on second reading April 2<sup>nd</sup>, 2009



## ORDINANCE NO. 202

### AN ORDINANCE TO AMEND ORDINANCE NO. 194 CONCERNING THE BUDGET FOR THE YEAR 2008-2009 FOR THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, on the 1<sup>st</sup> day of July, 2008, as set forth in Ordinance 194, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, adopted the budget which set forth the revenues and expenditures for the Town; and

WHEREAS, as a result of unforeseen circumstances, the drug fund, state street aid and sewer fund exceeded the figures set forth in said budget, in expenditures; and


WHEREAS, in order to balance the budget for the fiscal year 2008-2009, as required by state law, the Mayor and Board of Aldermen have adopted the following Amendments to the budget set forth as

<b>FUND 121</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>State Street Aid Fund 43100</b>			
<b>Revenues</b>			
33551 Gasoline Tax	\$36,700.00	-\$2,700.00	\$34,000.00
27100 Fund Balance	\$0.00	\$6,700.00	\$6,700.00
<b>Expenditures</b>			
247 Street Light Electricity	\$36,800.00	\$4,000.00	\$40,800.00
<hr/>			
<b>FUND 123</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>Drug Fund 42129</b>			
<b>Revenues</b>			
27100 Fund Balance	\$3,000.00	\$1,200.00	\$4,200.00
<b>Expenditures</b>			
320 Operating Supplies	\$4,500.00	\$1,200.00	\$5,700.00
<hr/>			
<b>FUND 412</b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED AMOUNT</b>	<b>TOTAL WITH AMENDMENTS</b>
<b>Sewer Fund 52200</b>			
<b>Revenues</b>			
37210 Sewer Service Charges	\$39,000.00	\$12,000.00	\$51,000.00
<b>Expenditures</b>			
121 Salaries	\$600.00	\$1,400.00	\$2,000.00
235 Memberships	\$450.00	\$1,600.00	\$2,050.00
290 Samples and Professional Services	\$5,500.00	\$6,500.00	\$12,000.00
540 Depreciation	\$30,000.00	\$2,500.00	\$32,500.00

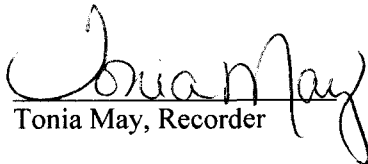
**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee:

- Section 1:** That Ordinance 194 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 194, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2008-2009.
- Section 2:** That should any part of this Ordinance be held invalid by any court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.
- Section 3:** That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

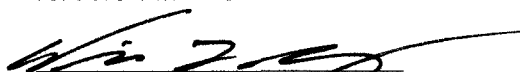
PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 25<sup>th</sup> day of June, 2009

  
\_\_\_\_\_  
David Jackson, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonia May, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William L. Gouger, Jr., Attorney

Passed on First Reading June 4, 2009

Passed on Second Reading June 25, 2009

## Ordinance No. 203

### AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2009 – JUNE 30, 2010

**BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

**Section 1.** A budget consisting of the available funds and appropriations listed in sections 2 and 3 below, be and is hereby adopted for the Fiscal Year July 1, 2009 through June 30, 2010

**Section 2.** Revenues and Fund Balances for the budget are as follows:

General Fund	\$2,358,000
General Fund Balance	\$1,304,273
State Street Aid Fund	\$ 34,100
State Street Aid Fund Balance	\$ 22,731
Drug Fund	\$ 1,500
Drug Fund Balance	\$ 6,766
Sewer Fund	\$ 84,000

**Section 3.** Expenditures for the budget are as follows:

General Fund	\$2,491,000
State Street Aid	\$ 34,100
Drug Fund	\$ 4,500
Sewer Fund	\$ 62,700

**Section 4.** Appropriations listed above may not be exceeded without enactment of an ordinance amending the budget.

**Section 5.** A detailed line item financial plan shall be prepared in support of the budget.

**Section 6.** There is hereby levied a property tax of \$.10 per \$100 of assessed valuation of taxable property in the Town of Kimball for the purpose of funding the FY 2009-2010 Annual Budget.

**Section 7.** This ordinance shall become effective on July 1, 2009, the public welfare requiring it.

PASSED AND APPROVED by the Mayor and Board of Aldermen on the second and final reading on the 25<sup>th</sup> day of June, 2009.

First Reading: June 4, 2009

Second Reading: June 25, 2009

  
Mayor

Attest:   
Recorder

**ORDINANCE NO. 204**

**AN ORDINANCE TO AMEND ORDINANCE NOS. 41, 50, 89, 131, AND 138 OF THE TOWN OF KIMBALL, TENNESSEE REGARDING THE RESIDENTIAL SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS**, the Board of Mayor and Aldermen has previously enacted Ordinance Nos. 41, 50, 89, 131, and 138 regarding the sewer system, sewer usage, and sewer rates for the Town of Kimball, Tennessee; and

**WHEREAS**, the Board of Mayor and Aldermen has determined that a current rate schedule is needed for residential sewer usage in the best interest of the citizens of the Town of Kimball, Tennessee; and

**WHEREAS**, by provisions of Section 7 of Ordinance No. 41, the Board of Mayor and Aldermen of the Town of Kimball is authorized to regulate sewer rate schedules and connecting fees; and

**WHEREAS**, by Ordinance Nos. 50, 89, 131, and 138, the Board of Mayor and Aldermen has amended Section 7 of Ordinance No. 41 pertaining to sewer rates to be applied to the sewer service in the Town of Kimball, Tennessee; and

**WHEREAS**, the Town of Kimball, Tennessee has adopted the Kimball Municipal Code and all provisions regarding sewer usage rates and connection fees are contained in Title 18 of said Municipal Code, with the sewer rates schedule being set forth in Title 18-107; and

**WHEREAS**, in order to meet the obligations imposed by the laws of the State of Tennessee, and the obligations incurred for providing sewer service in the Town of Kimball, the Board of Mayor and Aldermen of the Town of Kimball is of the opinion that Ordinance Nos. 41, 50, 89, 131, and 138, along with Title 18-107 of the Kimball Municipal Code, should be amended to adjust and establish a sewer rate for residential usage.

**IT IS, THEREFORE, ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the sewer rate schedule set forth in Ordinance Nos. 41, 50, 89, 131, and 138, and Title 18-107 of the Kimball Municipal Code, be deleted and/or amended as necessary in order to create the following rate schedule for residential sewage use in the Town of Kimball:

The residential sewer rate and fee schedule charged by the Town of Kimball to its residential sewer customers is hereby set and established at 120% of the rate and fees charged by the City of South Pittsburg, Tennessee Sewer and Water Board (Kimball's sewer provider) to its residential customers. Accordingly, the effective residential sewer rates and fees for the Town of Kimball as of the date of passage of this Ordinance shall be as follows:

**RESIDENTIAL SEWER RATE AND FEE SCHEDULE**

\$10.66 per month up to 3,000 gallons (minimum bill)  
\$3.18 per 1,000 gallons of metered water used per month over 3,000 gallons  
Sewer Connection Fee (tap fee): \$420.00  
Service Call Charge: \$60.00  
After-Hours Service Call Charge: \$84.00

This Ordinance and the above-established residential sewer rate and fee schedule shall become effective after its passage and publication as required by law, the public welfare requiring it.

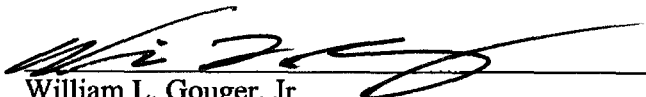
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 6<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William L. Gouger, Jr.  
Attorney for Town of Kimball

Passed on first reading July 2, 2009

Passed on second reading August 6, 2009

**ORDINANCE NO. 204**

**AN ORDINANCE TO AMEND ORDINANCE NOS. 41, 50, 89, 131, AND 138 OF THE TOWN OF KIMBALL, TENNESSEE REGARDING THE RESIDENTIAL SEWER RATE APPLICABLE IN THE TOWN OF KIMBALL, TENNESSEE.**

**WHEREAS**, the Board of Mayor and Aldermen has previously enacted Ordinance Nos. 41, 50, 89, 131, and 138 regarding the sewer system, sewer usage, and sewer rates for the Town of Kimball, Tennessee; and

**WHEREAS**, the Board of Mayor and Aldermen has determined that a current rate schedule is needed for residential sewer usage in the best interest of the citizens of the Town of Kimball, Tennessee; and

**WHEREAS**, by provisions of Section 7 of Ordinance No. 41, the Board of Mayor and Aldermen of the Town of Kimball is authorized to regulate sewer rate schedules and connecting fees; and

**WHEREAS**, by Ordinance Nos. 50, 89, 131, and 138, the Board of Mayor and Aldermen has amended Section 7 of Ordinance No. 41 pertaining to sewer rates to be applied to the sewer service in the Town of Kimball, Tennessee; and

**WHEREAS**, the Town of Kimball, Tennessee has adopted the Kimball Municipal Code and all provisions regarding sewer usage rates and connection fees are contained in Title 18 of said Municipal Code, with the sewer rates schedule being set forth in Title 18-107; and

**WHEREAS**, in order to meet the obligations imposed by the laws of the State of Tennessee, and the obligations incurred for providing sewer service in the Town of Kimball, the Board of Mayor and Aldermen of the Town of Kimball is of the opinion that Ordinance Nos. 41, 50, 89, 131, and 138, along with Title 18-107 of the Kimball Municipal Code, should be amended to adjust and establish a sewer rate for residential usage.

**IT IS, THEREFORE, ORDAINED AND ENACTED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that the sewer rate schedule set forth in Ordinance Nos. 41, 50, 89, 131, and 138, and Title 18-107 of the Kimball Municipal Code, be deleted and/or amended as necessary in order to create the following rate schedule for residential sewage use in the Town of Kimball:

The residential sewer rate and fee schedule charged by the Town of Kimball to its residential sewer customers is hereby set and established at 120% of the rate and fees charged by the City of South Pittsburg, Tennessee Sewer and Water Board (Kimball's sewer provider) to its residential customers. Accordingly, the effective residential sewer rates and fees for the Town of Kimball as of the date of passage of this Ordinance shall be as follows:

**RESIDENTIAL SEWER RATE AND FEE SCHEDULE**

\$10.66 per month up to 3,000 gallons (minimum bill)  
\$3.18 per 1,000 gallons of metered water used per month over 3,000 gallons  
Sewer Connection Fee (tap fee): \$420.00  
Service Call Charge: \$60.00  
After-Hours Service Call Charge: \$84.00

This Ordinance and the above-established residential sewer rate and fee schedule shall become effective after its passage and publication as required by law, the public welfare requiring it.

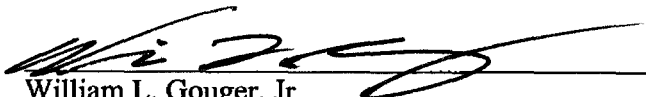
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the 2<sup>nd</sup> and final reading on the 6<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
DAVID JACKSON, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tonia May, Town Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William L. Gouger, Jr.  
Attorney for Town of Kimball

Passed on first reading July 2, 2009

Passed on second reading August 6, 2009

## ORDINANCE NO. 205

**“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP WITH UPDATES AND CORRECTIONS, SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF KIMBALL, TENNESSEE.”**

- WHEREAS,** the authority Tennessee Code Annotated (TCA) Section 13-7-201 allows for the zoning of territory within a municipality; and
- WHEREAS,** the Kimball Municipal Planning Commission has certified zoning districts as provided for in TCA Section 13-7-202; and
- WHEREAS,** TCA Section 13-7-204 authorizes amendments to a zoning map; and
- WHEREAS,** in accordance with TCA Section 13-7-203 subsection (b), the Kimball Municipal Planning Commission approved and recommended the zoning amendment herein described to the Kimball Board of Mayor and Alderman; and
- WHEREAS,** in accordance with TCA Section 13-7-203, subsection (a), a public hearing was held prior to final reading of this ordinance with at least fifteen (15) days’ public notice;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF KIMBALL, TENNESSEE THAT,** the zoning map for the Town of Kimball, Tennessee be, and hereby is, amended as follows:

SECTION 1. That the official Zoning Map of Kimball, Tennessee, identified and referred to in Section 14-202. of said Zoning Ordinance be amended by adopting an amended version of the said zoning map in its entirety. The map is further described and shown on the attached illustration titled “Zoning, Kimball, Tennessee”, said property being within the corporate limits of Kimball, Tennessee:

SECTION 2: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 3. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, a Public Hearing subject to fifteen (15) days notice was held, and all of the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210 have all been complied with, including the approval of all necessary agencies.

**NOW, THEREFORE, BE IT FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Kimball Board of Mayor and Aldermen in the Town of Kimball, Tennessee, the public welfare requiring it.

PASSED ON FIRST READING: DECEMBER 3, 2009

PASSED ON SECOND READING: JANUARY 7, 2010

  
\_\_\_\_\_  
**DAVID JACKSON, MAYOR**

  
\_\_\_\_\_  
**ATTEST: TONIA MAY, TOWN RECORDER**