

ORDINANCE # 245

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO SET
MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
STRUCTURES IN THE RESIDENTIAL ZONING DISTRICTS 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 Kimball Board of Mayor and Aldermen, as described herein; and

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball conducted a public hearing subject to fifteen (15) days notice prior to the final reading and adoption of this ordinance described herein;

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

Section 1 Chapter 4, Section 14-404 Specific District Regulations, Section A, Number 4 Dimensional Regulations, of the Kimball Zoning Ordinance shall be amended by inserting letter “h” as follows:

- h. Minimum Square Footage Requirements for Residential Structures & Dwelling Units. Single-family dwellings in the R-1 Low Density Residential Zoning District shall have a gross floor area of not less than eight-hundred (800) square feet of living space. Custom built homes and permitted modular homes shall be required to have a permanent foundation.

Section 2 Chapter 4, Section 14-404 Specific District Regulations, Section A, Number 8 Dimensional Regulations, of the Kimball Zoning Ordinance shall be amended by inserting letter “h” as follows:

- h. Minimum Square Footage Requirements for Residential Structures & Dwelling Units. Detached single-family dwellings and multi-family dwellings in the R-2 High Density Residential Zoning District shall have a gross floor area of not less than six-hundred (600) square feet of living space per dwelling unit. Custom built homes, multi-family residential structures, and permitted modular homes shall be required to have a permanent foundation.

Section 3

Chapter 3, Section 14-302 Definitions, of the Kimball Zoning Ordinance shall be amended by replacing the definition for a dwelling as follows:

Replace this definition:

- (21) ~~“Dwelling.” A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.~~

With this one:

- (21) Dwelling. A permanent building or portion thereof used for residential purposes, which contains at least a kitchen, bathroom facilities, and a sleeping area. In no case shall the term dwelling include any of the following: motor homes, travel trailers, portable buildings, trailer coaches, storage buildings, single-wide modular homes regulated elsewhere in this ordinance, or any other structure not designed specifically for permanent residential dwelling.

NOW, LET IT BE FURTHER ORDAINED, that this ordinance shall take effect following final reading by the Kimball Board of Mayor and Aldermen, the welfare of the City requiring it.

PASSED ON FIRST READING: April 6, 2017

PASSED ON FINAL READING: May 4, 2017



MAYOR OF KIMBALL, TENNESSEE

ATTEST: Jonia May

TOWN RECORDER

APPROVED AS TO FORM: 

CITY ATTORNEY

PUBLIC HEARING DATE: May 4, 2017

A Signed Copy must be returned to a staff planner of the Southeast Tennessee Development District to update and incorporate the amendment into the official zoning ordinance.

ORDINANCE NO. 246

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2016-2017

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and thereby gives the legal authority for expenditures of the Town as required by state law;

Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, and capital projects during the 2016-2017 fiscal year:

General Fund 110	Beginning	Amendment	Ending
Wholesale Beer Tax 31710	\$87,000	\$5,050	\$92,050
State Sales Tax 33510	\$90,000	\$5,000	\$95,000
Park and Recreation Charges 34740	\$8,000	\$1,660	\$9,660
Interest Earnings 36100	\$7,100	\$3,700	\$10,800
Insurance Recoveries 36350	\$4,850	\$6,086	\$10,936
Miscellaneous Revenues 36990	\$2,500	\$2,410	\$4,910

General Fund 110	Beginning	Amendment	Ending
City Recorder/Clerk - Overtime 41510-123	\$2,000	(\$1,500)	\$500
City Hall - Repair & Maint. 41810-265	\$14,500	(\$4,500)	\$10,000
City Hall - Other Utility Services Pest - 41990-249	\$1,800	\$1,420	\$3,220
Other Gen. Gov. - Legal Services 41990-252	\$27,000	(\$2,000)	\$25,000
Other Gen. Gov. - Professional Services 41990-259	\$19,000	\$2,000	\$21,000
Police - Printing and Duplicating 42100-220	\$500	\$500	\$1,000
Police - Repair & Maint. Motor Vehicle 42100-261	\$6,000	(\$1,500)	\$4,500
Police - Repair & Maint. Other Machinery 42100-262	\$1,500	(\$400)	\$1,100
Police - Fire Arm Supplies 42100-327	\$1,600	(\$600)	\$1,000
Police - Grant Bills 42100-771	\$7,500	\$2,000	\$9,500


Highways - Repair & Maint. Services 43100-260	\$5,000	\$6,300	\$11,300
Highways - Repair & Maint. Motor Veh. 43100-261	\$4,500	\$596	\$5,096
Highways - Motor Vehicle Parts 43100-332	\$3,000	\$2,250	\$5,250

Capital projects and proposed funding amendments are as follows:

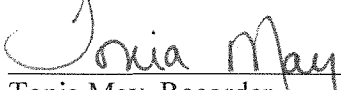
City Hall - Insurance Repairs 41810-914	\$4,850	\$8,140	\$12,990
City Hall - Buildings 41810-920	\$5,000	(\$1,500)	\$3,500
City Hall - Improvements Other Than Bldgs 41810-930	\$8,000	\$6,750	\$14,750
Highways Road Materials 43100-931	\$83,000	(\$300)	\$82,700
Highways - Drainage Improvements 43100-932	\$43,000	(\$2,250)	\$40,750
Parks - Parks and Recreation 44700-937	\$30,000	\$8,500	\$38,500

- Section 2:** After adoption by this governing body, this amendment will be presented to the Director of Local Finance as required by Tennessee Code Annotated Title 9 Chapter 21 Section 403 for continuing approval of a balanced budget.
- Section 3:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.
- Section 4:** If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision or portion of this ordinance.
- Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

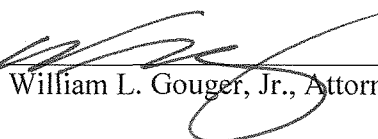
PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 4th day of May, 2017.


Rex Pesnell, Mayor

ATTEST:


Tonia May, Recorder

APPROVED AS TO FORM:


William L. Gouger, Jr., Attorney

First Reading April 6, 2017

Public Hearing May 4, 2017

Passed on Second Reading May 4, 2017

ORDINANCE NO. 247

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE
ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR
BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018**

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

WHEREAS, the governing body has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF KIMBALL, TENNESSEE AS FOLLOWS:

SECTION 1: That the governing body estimates anticipated revenues of the municipality from all sources to be as follows:

General Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Local Taxes	\$2,171,420	\$2,058,190	\$1,989,900
Intergovernmental Revenue	\$152,556	\$141,775	\$210,900
Fines and Forfeitures	\$10,219	\$9,500	\$10,000
Miscellaneous Revenue	\$97,793	\$92,010	\$79,000
Debt Proceeds	\$0	\$0	\$0
Total Revenues	\$2,431,988	\$2,301,475	\$2,289,800
Beginning Fund Balance	\$1,681,803	\$2,083,108	\$1,736,963
Total Available Funds	\$4,113,791	\$4,384,583	\$4,026,763

State Street Aid Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Intergovernmental Revenue	\$41,831	\$39,200	\$36,000
Miscellaneous Revenue	\$44	\$45	\$40
Total	\$41,875	\$39,245	\$36,040
Beginning Fund Balance	\$30,363	\$36,479	\$39,724
Total Available Funds	\$72,238	\$75,724	\$75,764

Drug Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Court Fines and Costs	\$1,752	\$740	\$1,000
Total	\$1,752	\$740	\$1,000
Beginning Fund Balance	\$4,948	\$6,700	\$7,440
Total Available Funds	\$6,700	\$7,440	\$8,440

Sewer Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Operating Revenues	\$169,204	\$167,788	\$147,000
Non-Operating Revenues	\$1,916	\$3,000	\$1,500
Total Revenues	\$171,120	\$170,788	\$148,500
Beginning Assets	\$2,499,066	\$2,567,163	\$2,644,136

SECTION 2: That the governing body appropriates from these anticipated revenues and unexpended and unencumbered funds as follows:

General Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Administrative Salaries	\$156,377	\$156,646	\$181,920
Town Property/Building/Other	\$164,784	\$181,150	\$222,000
Other General Government	\$695,061	\$693,830	\$747,167
Police Department	\$516,186	\$526,700	\$543,617
Fire Department	\$24,527	\$30,350	\$39,800
Rescue Squad Department	\$24,803	\$750	\$8,250
Public Works Department	\$159,173	\$289,265	\$325,767
Sanitation Department	\$127,972	\$372,880	\$135,867
Department of Parks & Recreation	\$78,550	\$64,719	\$254,480
Debt Service Administration	\$83,250	\$331,330	\$79,432
Total Appropriations	\$2,030,684	\$2,647,620	\$2,538,300
Surplus/(Deficit)	\$401,305	(\$346,145)	(\$248,500)
Ending Fund Balance	\$2,083,108	\$1,736,963	\$1,488,463

State Street Aid Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Public Works	\$35,759	\$36,000	\$36,040
Total Appropriations	\$35,759	\$36,000	\$36,040
Surplus/(Deficit)	\$6,116	\$3,245	\$0
Ending Fund Balance	\$36,479	\$39,724	\$39,724

Drug Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Police Department	\$0	\$0	\$5,000
Total Appropriations	\$0	\$0	\$5,000
Surplus/(Deficit)	\$1,752	\$740	(\$4,000)
Ending Fund Balance	\$6,700	\$7,440	\$3,440

Sewer Fund	FY 2016 Actual	FY 2017 Estimated	FY 2018 Proposed
Sewer Expenses	\$103,023	\$93,815	\$112,000
Total Appropriations	\$103,023	\$93,815	\$112,000
Surplus/(Deficit)	\$68,097	\$76,973	\$36,500
Ending Assets	\$2,567,163	\$2,644,136	\$2,680,636

SECTION 3: At the end of the current fiscal year the governing body estimates balances/ (deficits) as follows:

General Fund	\$1,736,963
State Street Aid Fund	\$39,724
Drug Fund	\$7,440
Sewer Fund	\$2,644,136

SECTION 4: That the governing body recognizes that the municipality has bonded and other indebtedness as follows:

Bonded or Other Indebtedness	Debt Authorized and Unissued	Principal Outstanding at June 30	Debt Principal	Interest Requirements
Notes – General		\$328,545	\$316,861	\$14,452

SECTION 5: During the coming fiscal year the governing body has planned capital projects and proposed funding as follows:

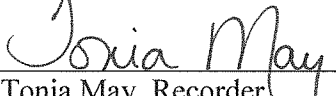
Proposed Capital Projects	Proposed Amount Financed by Appropriations	Proposed Amount Financed by Debt
General Building Improvements	\$20,000	
Improvements other than Buildings	\$45,000	
Police Equipment	\$10,000	
Rescue Equipment	\$7,000	
Street Paving/Drainage	\$105,000	
Street Equipment	\$70,000	
Parks and Recreation	\$175,000	

- SECTION 6:** No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-208. In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Section 6-56-205 of the *Tennessee Code Annotated*.
- SECTION 7:** Money may be transferred from one appropriation to another in the same fund in an amount of up to \$1,000 by the Mayor, subject to such limitations and procedures as may be established by the Board of Mayor and Aldermen pursuant to the provisions of Section 6-56-209 of the *Tennessee Code Annotated*. Any resulting transfers shall be reported to the governing body at its next regular meeting and entered into the minutes.
- SECTION 8:** A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Section 6-56-206, *Tennessee Code Annotated* will be attached.
- SECTION 9:** There is hereby levied a property tax of \$0.10 per \$100 of assessed value on all real and personal property.
- SECTION 10:** This annual operating and capital budget ordinance and supporting documents shall be submitted to the Comptroller of the Treasury or Comptroller's Designee for approval if the Town has debt issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated or loan agreements with a public building authority issued pursuant to Title 12, Chapter 10, Tennessee Code Annotated approved by the Comptroller of the Treasury or Comptroller's Designee within fifteen (15) days of its adoption. This budget shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Comptroller of the Treasury or Comptroller's Designee. If the City does not have such debt outstanding, it will file this annual operating and capital budget ordinance and supporting documents with the Comptroller of the Treasury or Comptroller's Designee.
- SECTION 11:** All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.
- SECTION 12:** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.
- SECTION 13:** This ordinance shall take effect July 1, 2017, the public welfare requiring it.



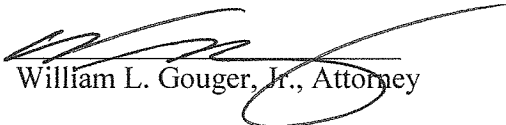
Rex Pesnell, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

Passed on First Reading May 4, 2017

Public Hearing June 1, 2017

Passed on Second Reading June 1, 2017

ORDINANCE NO. 248

**AN ORDINANCE TO AMEND KIMBALL MUNICIPAL CODE TITLE I
AND ORDINANCE NOS. 160 AND 164 TO INCREASE THE
COMPENSATION OF THE MAYOR AND VICE-MAYOR OF THE
TOWN OF KIMBALL, TENNESSEE.**

WHEREAS, Title 1, Chapter 1, Section 1-101 of the Kimball Municipal Code, and Ordinance No. 164 of the Town, sets forth compensation of the Mayor of the Town of Kimball at One Thousand Four Hundred Fifty Dollars (\$1,450.00) per month; and

WHEREAS, Title 1, Chapter 1, Section 1-101 of the Kimball Municipal Code, and Ordinance No. 160 of the Town, sets forth compensation of the Aldermen of the Town of Kimball, including the Vice-Mayor, at Six Hundred Dollars (\$600.00) per month; and

WHEREAS, due to the continued and extensive growth in the Town and the number of hours required by the Mayor and Vice-Mayor to perform their duties as a result of extra meetings, functions, and attention to various and numerous matters, and in recognition of the fact that no increase has been made in such compensation since 2005, the Board of Mayor and Aldermen feel that an increase in the pay of the Mayor and Vice-Mayor is proper; and

WHEREAS, the financial condition of the Town of Kimball, Tennessee will not be substantially impacted by the increase in the monthly compensation paid to the Mayor and Vice-Mayor; and

WHEREAS, the Board of Mayor and Aldermen has determined that the Mayor's compensation should increase from the sum of \$1,450.00 per month to \$2,175.00 per month, and the Vice-Mayor's compensation should increase from the sum of \$600.00 per month to \$800.00 per month, such increases to become effective as of July 1, 2017.

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

SECTION 1. Title 1, Chapter 1, Section 1-101 of the Kimball Municipal Code, and Ordinance Nos. 160 and 164 of the Town of Kimball in relation thereto, shall be amended by deleting the entire section of said Code and replacing it with the following:

1-101. Compensation of Mayor, Vice-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 Two Thousand One Hundred Seventy Five Dollars (\$2,175.00) per month.

The Alderman appointed to the position of Vice-Mayor of the Town of Kimball shall be paid by the Town of Kimball a salary in the amount of Eight Hundred Dollars (\$800.00) per month.

All other Aldermen of the Town of Kimball shall receive compensation in the amount of Six Hundred Dollars (\$600.00) per month.

The compensation for mayor, vice-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 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.

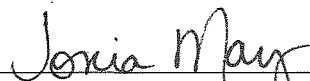
SECTION 3. This Ordinance and the compensation amounts set forth herein shall take effect July 1, 2017, from and after the final passage hereof, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, on the 2nd and final reading on the 7th day of September, 2017.


TOWN OF KIMBALL, TENNESSEE

By: 
Rex Pesnell, Mayor

ATTEST:


Tonia May, Town Recorder

APPROVED AS TO FORM:


William L. Gouger, Jr.
Attorney for the Town of Kimball

Passed on first reading July 6, 2017

Public Hearing August 3, 2017

Passed on second reading September 7, 2017

ORDINANCE NO. 249

AN ORDINANCE TO AMEND ORDINANCE NOS. 206 AND 241 TO AMEND AND DELETE PORTIONS OF THE INTERNATIONAL BUILDING CODES APPLICABLE WITHIN THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, by Ordinance No. 206, adopted on March 4, 2010, and by Ordinance No. 241 adopted on August 11, 2016, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, adopted the 2009 editions of the International Building Code, its appendices and supplements and all subsequent editions, as promulgated by the International Code Council, with certain exceptions and exclusions as recited and set forth therein, as the official building code for the Town; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee to amend said Ordinances and Building Code as follows:

Section R313.1 regarding Automatic Sprinkler systems in Townhouses is amended to replace the existing exception with the following exception: "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall"; and

"Section R313.2 Automatic Sprinkler systems in 1&2 Family Dwellings", is deleted in its entirety; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, that Ordinance Nos. 206 and 241, and the Building Code adopted therein, be amended as follows:

ARTICLE 1. Section R313.1 regarding Automatic Sprinkler systems in Townhouses is amended to replace the existing exception with the following exception: "An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall".

ARTICLE 2. "Section R313.2 Automatic Sprinkler systems in 1&2 Family Dwellings", is deleted in its entirety.

ARTICLE 3. All other provisions set forth and contained within said Ordinance Nos. 206 and 241, except as hereinabove modified or amended, shall remain in full force and effect.

ARTICLE 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

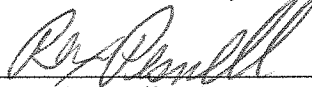
force and effect.

ARTICLE 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.

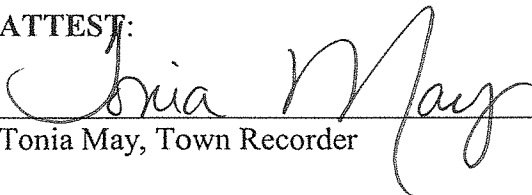
ARTICLE 6. That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the 2nd and final reading on the 5th day of October, 2017.

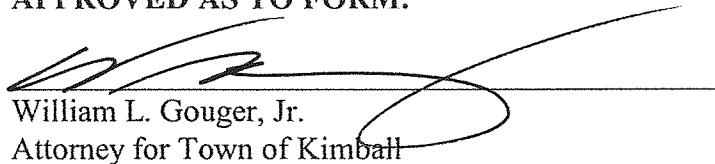
TOWN OF KIMBALL, TENNESSEE

By: 
Rex Pesnell, Mayor

ATTEST:


Tonia May, Town Recorder

APPROVED AS TO FORM:


William L. Gouger, Jr.
Attorney for Town of Kimball

Passed on first reading: September 7, 2017

Passed on second reading: October 5, 2017

ORDINANCE NO. 250

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2017-2018

WHEREAS, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

WHEREAS, the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and thereby gives the legal authority for expenditures of the Town as required by state law;

Now, therefore be it ordained by the board of Mayor and Aldermen of Kimball, Tennessee, that:

Section 1: The following sources will be to amend the budget to accommodate increases and decreases in expenditures, and capital projects during the 2017-2018 fiscal year:

General Fund 110	Beginning	Amendment	Ending
Highway – Wages 43100-121	\$71,400	(\$17,500)	\$53,900
Sanitation – Wages 43200-121	\$71,400	(\$17,500)	\$53,900

Capital projects and proposed funding amendments are as follows:

Police – Machinery and Equipment 42100-940	\$10,000	\$40,000	\$50,000
Highways – Machinery and Equipment 43100-940	\$70,000	(\$40,000)	\$30,000
Highways – Machinery and Equipment 43100-940	\$30,000	\$35,000	\$65,000


Section 2: After adoption by this governing body, this amendment will be presented to the Director of Local Finance as required by *Tennessee Code Annotated* Title 9 Chapter 21 Section 403 for continuing approval of a balanced budget.

Section 3: All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

Section 4: If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision or portion of this ordinance.

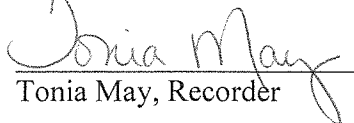
Section 5: This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 21st day of September, 2017.



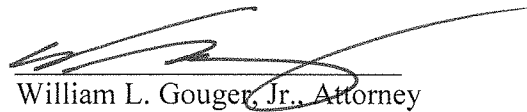
Rex Pesnell, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

First Reading September 7, 2017

Public Hearing September 21, 2017

Passed on Second Reading September 21, 2017