

ORDINANCE NO. 222

**AN ORDINANCE TO AMEND ORDINANCE NOS. 137 and 177  
REGARDING PROCEDURES FOR CONDUCTING ROADBLOCKS IN THE  
TOWN OF KIMBALL, TENNESSEE.**

WHEREAS, by virtue of Ordinance No. 137, the Town of Kimball, Tennessee, set forth procedures for conducting roadblocks in the Town of Kimball, Tennessee, which procedures defined the types of organizations eligible to conduct roadblocks and the permit procedure therefor; and

WHEREAS, by virtue of Ordinance No. 177, the Town of Kimball amended Ordinance No. 137 to further define the types of organizations eligible to conduct roadblocks and set forth dates and times at which such roadblocks may be conducted; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball has now determined that further limitations and controls are necessary for the conduct of such roadblocks, such further limitations and controls being related to issues of safety of participants and traffic flow through the Town.

NOW, THEREFORE, be it ordained and enacted by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that Ordinance Nos.137 and 177 be amended as follows:

**Section 1.** That Section I (f) of Ordinance No. 177 be deleted in its entirety, and that the following language be substituted in lieu thereof:

- (f) All roadblocks conducted under this Section shall be held between the hours of 8:00 A.M. and 3:00 P.M. Central time on Saturdays, and at no other time unless agreed upon by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee. Roadblocks shall be limited to one (1) per Saturday, and same shall be held only at the intersection of Main Street and Dixie Lee Center Drive, at the traffic light in front of the Kimball Municipal Building.

**Section 2.** All other provisions set forth and contained within said Ordinance No. 137, as previously amended by Ordinance No. 177, except as hereinabove modified or amended, shall remain in full force and effect.

**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**Section 4.** That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.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 the 2<sup>nd</sup> and final reading on the 2<sup>nd</sup> day of May, 2013.

  
\_\_\_\_\_  
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 April 4, 2013

Public hearing June 6, 2013

Passed on second reading May 2, 2013

# ORDINANCE NO. 223

## AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2012-2013

**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 there 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, capital project during the 2012-2013 fiscal year:

### General Fund

	Beginning	Amendment	Ending
Administrative Salaries	\$ 147,700	(\$ 5,000)	\$ 142,700
Other General Government	\$ 704,040	(\$16,700)	\$ 687,340
Police Department	\$ 463,000	\$ 13,100	\$ 476,100
Department of Parks & Recr.	\$ 21,700	\$ 4,000	\$ 25,700

Capital projects and proposed funding amendments are as follows:

	Beginning	Amendment	Ending
Police Department	\$0	\$ 4,600	\$ 4,600

**Drug Fund**

	Beginning	Amendment	Ending
Police Department Expenditure	\$1,000	\$ 50	\$1,050
Surplus	\$2,787	\$ 50	\$2,737

**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 un-constitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision or portion of this ordinance.

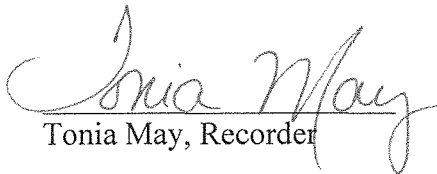
**Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the second and final reading on the 27th day of June, 2013.



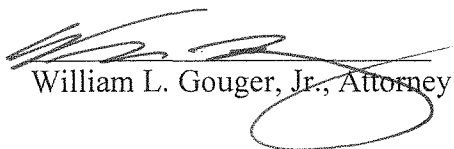
David Jackson, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

Passed on First Reading June 6, 2013

Public Hearing June 27, 2013

Passed on Second Reading June 27, 2013

## **ORDINANCE NO. 224**

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE  
ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014**

**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:

<b>General Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Local Taxes	\$1,651,000	\$1,591,500	\$1,573,900
Intergovernmental Revenue	\$224,982	\$117,510	\$275,450
Fines and Forfeitures	\$14,265	\$16,205	\$10,000
Miscellaneous Revenue	\$146,868	\$80,971	\$48,950
Debt Proceeds	\$218,842	\$0	\$0
Total Revenues	\$2,255,957	\$1,806,186	\$1,908,300
Beginning Fund Balance	\$1,313,070	\$1,218,742	\$1,219,321
Total Available Funds	\$3,569,027	\$3,024,928	\$3,127,621

<b>State Street Aid Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Intergovernmental Revenue	\$36,165	\$35,331	\$34,000
Miscellaneous Revenue	\$33	\$27	\$25
Total	\$36,198	\$35,358	\$34,025
Beginning Fund Balance	\$25,477	\$27,625	\$28,933
Total Available Funds	\$61,675	\$62,983	\$62,958

<b>Drug Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Court Fines and Costs	\$411	\$50	\$500
Total	\$411	\$50	\$500
Beginning Fund Balance	\$2,376	\$2,797	\$1,819
Total Available Funds	\$2,787	\$2,847	\$2,319

<b>Solid Waste Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Sanitation Fees	\$4,325	\$3,675	\$3,500
Real & Personal Property Tax	\$55,719	\$55,444	\$53,000
Wholesale Beer Tax	\$90,612	\$79,319	\$41,000
Total	\$150,656	\$138,438	\$97,500
Beginning Fund Balance	\$85,236	\$129,174	\$154,426
Total Available Funds	\$235,892	\$267,612	\$251,926

The town has designated current year property taxes and half of wholesale beer tax to the Solid Waste Fund in order to cover the expenditures.

<b>Sewer Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Operating Revenues	\$78,462	\$134,660	\$136,600
Non-Operating Revenues	\$0	\$2,000	\$1,000
Total Revenues	\$78,462	\$136,660	\$137,600
Beginning Assets	\$1,467,135	\$1,465,563	\$1,532,096

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

<b>General Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Administrative Salaries	\$152,962	\$141,000	\$153,700
Town Property/Building/Other	\$132,024	\$148,592	\$148,800
Other General Government	\$824,805	\$684,812	\$731,440
Police Department	\$541,420	\$478,593	\$489,800
Fire Department	\$25,777	\$24,595	\$33,850
Rescue Squad Department	\$102,283	\$8,999	\$6,600
Public Works Department	\$177,705	\$218,433	\$122,000
Department of Parks & Recreation	\$174,467	\$24,127	\$42,300
Debt Service Administration	\$218,842	\$76,456	\$76,465
Total Appropriations	\$2,350,285	\$1,805,607	\$2,491,456
Surplus/(Deficit)	\$(94,328)	\$579	\$(583,156)
Ending Fund Balance	\$1,218,742	\$1,219,321	\$636,165

<b>State Street Aid Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Public Works	\$34,050	\$34,050	\$34,025
Total Appropriations	\$34,050	\$34,050	\$34,025
Surplus/(Deficit)	\$2,148	\$1,308	\$0
Ending Fund Balance	\$25,477	\$28,933	\$28,933

<b>Drug Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Police Department	\$411	\$1,028	\$500
Total Appropriations	\$411	\$1,028	\$500
Surplus/(Deficit)	\$411	(\$978)	0
Ending Fund Balance	\$2,797	\$1,819	\$1,819

<b>Solid Waste Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Salaries	\$75,240	\$72,159	\$86,950
Other Expenses	\$31,478	\$41,027	\$42,500
Total Appropriations	\$106,718	\$113,186	\$129,450
Surplus/(Deficit)	\$43,938	\$25,252	(\$31,950)
Ending Fund Balance	\$129,174	\$154,426	\$122,476

<b>Sewer Fund</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Estimated</b>	<b>FY 2014 Proposed</b>
Sewer Expenses	\$81,796	\$79,842	\$87,250
Total Appropriations	\$81,796	\$79,842	\$87,250
Surplus/(Deficit)	\$(1,572)	\$57,533	\$51,350
Ending Fund Balance	\$1,465,563	\$1,532,096	\$1,583,446

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

General Fund	\$1,219,321
State Street Aid Fund	\$ 28,933
Drug Fund	\$ 1,819
Solid Waste Fund	\$ 154,426
Sewer Fund	\$1,532,096

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

Bonded or Other Indebtedness	Debt Redemption	Interest Requirements	Debt Authorized and Unissued	Condition of Sinking Fund
Notes – General	\$72,892	\$3,565	\$0	\$0

**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	\$10,000	
Improvements other than Buildings	\$7,500	
Other Government Expenses	\$275,001	
Rescue Squad	\$8,000	
Street Paving/Drainage	\$65,000	
Parks and Recreation	\$321,000	

**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:** If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year until the adoption of the new budget ordinance in accordance with Section 6-56-210, *Tennessee Code Annotated* provided sufficient revenues are being collected to support the continuing appropriations for no longer than 60 days after the end of the fiscal year. Approval of the Director of the Office of State and Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.

**SECTION 10:** There is hereby levied a property tax of \$0.10 per \$100 of assessed value on all real and personal property.

**SECTION 11:** All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

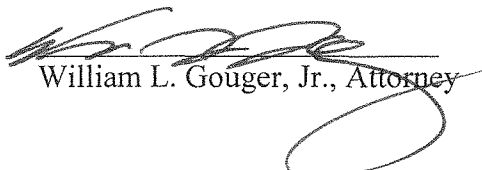
**SECTION 12:** This ordinance shall take effect July 1, 2013, the public welfare requiring it.

  
David Jackson, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
William L. Gouger, Jr., Attorney

Passed on First Reading June 6, 2013

Public Hearing June 27, 2013

Passed on Second Reading June 27, 2013

**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 the 2<sup>nd</sup> and final reading on the 2<sup>nd</sup> day of May, 2013.

  
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DAVID JACKSON, Mayor

**ATTEST:**

  
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Tonia May, Town Recorder

**APPROVED AS TO FORM:**

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

Passed on first reading April 4, 2013

Public hearing June 6, 2013

Passed on second reading May 2, 2013

ORDINANCE # 225

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO REQUIRE AN APPLICATION FEE WHEN APPLYING FOR A VARIANCE FROM THE KIMBALL BOARD OF ZONING APPEALS 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 Alderman, as herein described; 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 herein described;

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

**Section 1** Chapter 7, Section 14-708 (Variances) – Section B (Hearings) of the Kimball Zoning Ordinance shall be deleted and amended as follows:

Replace:

- B. Hearings. Upon receipt of an application and a \$50 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 a property owner of the reasonable use of their 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.

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

PASSED ON FIRST READING: September 5, 2013

PASSED ON FINAL READING: October 3, 2013

  
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**MAYOR OF KIMBALL, TENNESSEE**

ATTEST:   
\_\_\_\_\_  
**TOWN RECORDER**

APPROVED AS TO FORM:   
**TOWN ATTORNEY**

PUBLIC HEARING DATE: October 3, 2013

## ORDINANCE NO. 226

### AN ORDINANCE TO AMEND ORDINANCE NOS. 41, 50, 89, 131, and 138 OF THE TOWN OF KIMBALL, TENNESSEE, REGARDING THE COMMERCIAL SEWER RATE IN THE TOWN.

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, has previously enacted Ordinance Nos. 41, 50, 89, 31, and 138, regarding the sewer system, sewer usage, and sewer rates for the Town; and

WHEREAS, the Board of Mayor and Aldermen has determined that the imposition of a commercial sewer rate increase is necessary in order to accommodate a sewer rate increase charged by the City of South Pittsburg, Tennessee, which provides sewage treatment services to the Town of Kimball; 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 rate schedules and connecting fees; and

WHEREAS, the Town of Kimball has adopted the Kimball Municipal Code, and all provisions regarding sewage 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 commercial sewer service in the Town of Kimball, the Board of Mayor and Aldermen of the Town is of the opinion that Ordinances No. 41, 50, 89, 131, and 138, along with Title 18-107 of the Kimball Municipal Code, shall be amended to substitute the following commercial rate schedule in lieu of the existing schedule set forth in said previous Ordinances and Municipal Code, such modified commercial rate schedule to become effective on January 1, 2014:

#### COMMERCIAL SEWER RATE SCHEDULE


The commercial sewer rate and fee schedule charged by the Town of Kimball to its commercial sewer customers is hereby set and established at 147% of the rate and fees charged by the City of South Pittsburg, Tennessee Sewer and Water Board (Kimball's sewer provider) to its commercial customers, subject to the minimum bill set forth below. Accordingly, the effective commercial sewer rates and fees for the Town of Kimball as of the effective date of this Ordinance shall be as follows:

\$100.00 per month up to three thousand (3,000) gallons (minimum bill)  
\$7.00 per 1,000 gallons over 3,001 gallons

Hereafter, any amendments or modifications to the rates or fees charged by the South Pittsburg Sewer and Water Board shall result in amendments or modifications of the commercial rates and fees charged by Kimball at the same 147% ratio set forth above.

This Ordinance and the above-established commercial sewer rate schedule shall become effective on January 1, 2014, 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 the 2<sup>nd</sup> and final reading on the 5th day of December, 2013.

  
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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: November 7, 2013**

**Public hearing: December 5, 2013**

**Passed on second reading: December 5, 2013**

**ORDINANCE NO. 227**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO REZONE A  
PORTION OF PROPERTY ON TIMBER RIDGE DRIVE FROM R-1 LOW  
DENSITY RESIDENTIAL DISTRICT TO C-2 HIGHWAY BUSINESS DISTRICT  
IN THE  
TOWN OF KIMBALL, TENNESSEE**

**Marion County Tax Map 133E B 001.00**

**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 public comment on the amendments described herein;

**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 Zoning on Marion County Tax Map 133E B 001.00 with C-2 Highway Business Zoning as indicated by the attached map titled Kimball, Tennessee, Proposed Rezoning, R-1 to C-2.

**THEREFORE BE IT 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.**

**FIRST READING:** 12-5-2013

**SECOND READING:** 1-9-2014

  
\_\_\_\_\_  
Mayor

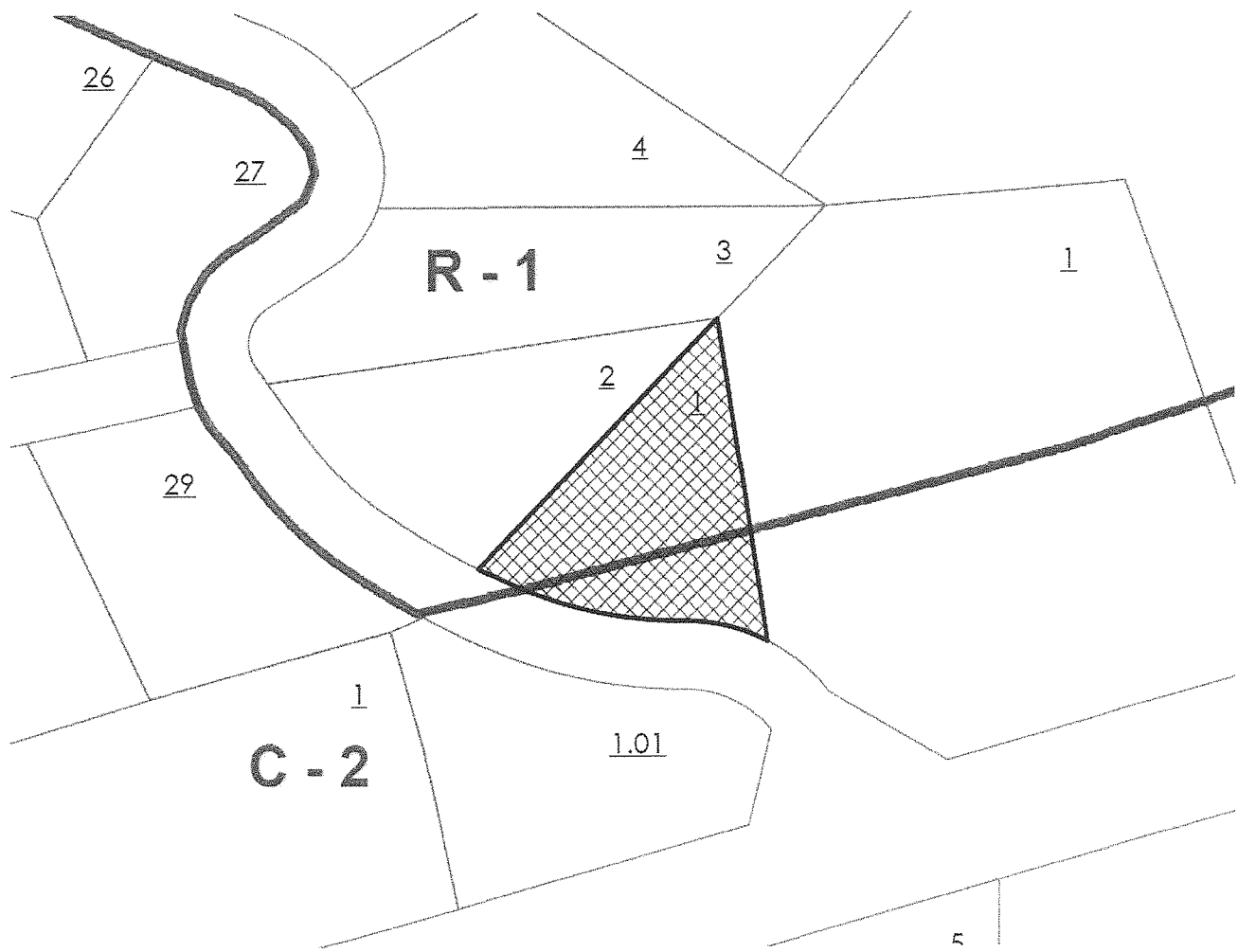
**ATTEST**   
\_\_\_\_\_  
Town Recorder

# Kimball, Tennessee


Marion County Tax Map 133E B 001.00  
Rezoning Request R-1 to C-2

November 2013

Ordinance No \_\_\_\_\_



## Legend

 Subject Area

Map Prepared By:  
Community Development  
Southeast Tennessee Development District  
Chattanooga, TN  
Geographic Information Systems

This map is for planning purposes only.  
This is not an engineering map.

