

ORDINANCE NO. 212

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE
ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR
BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012**

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 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Local Taxes	\$1,585,267	\$1,462,750	\$1,432,300
Intergovernmental Revenue	\$ 209,816	\$ 213,050	\$ 160,250
Fines and Forfeitures	\$ 12,921	\$ 11,250	\$ 9,000
Miscellaneous Revenue	\$ 86,905	\$ 66,850	\$ 50,950
Debt Proceeds	\$ 125,000	\$ 0	\$ 0
Total Revenues	\$2,019,909	\$1,753,900	\$1,652,500
Beginning Fund Balance	\$1,382,044	\$1,370,018	\$1,147,763
Total Available Funds	\$3,401,953	\$3,123,918	\$2,800,263

State Street Aid Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Intergovernmental Revenue	\$35,021	\$34,760	\$34,000
Miscellaneous Revenue	\$ 29	\$ 40	\$ 50
Total	\$35,050	\$34,800	\$34,050
Beginning Fund Balance	\$22,953	\$23,951	\$24,701
Total Available Funds	\$58,003	\$58,751	\$58,751

Drug Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Court Fines and Costs	\$ 709	\$1,700	\$1,500
Total	\$ 709	\$1,700	\$1,500
Beginning Fund Balance	\$6,769	\$1,678	\$2,378
Total Available Funds	\$7,478	\$3,378	\$3,878

Solid Waste Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Sanitation Fees	\$ 3,875	\$ 4,000	\$ 3,250
Real & Personal Property Tax	\$ 52,515	\$ 55,650	\$ 50,000
Wholesale Beer Tax	\$ 82,219	\$ 82,500	\$ 80,000
Total	\$138,609	\$142,150	\$133,250
Beginning Fund Balance	\$ 0	\$ 40,630	\$ 74,380
Total Available Funds	\$138,609	\$182,780	\$207,630

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

Sewer Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Operating Revenues	\$ 87,746	\$ 81,000	\$ 82,200
Non-Operating Revenues	\$ 491,772	\$ 150,000	\$ -
Total Revenues	\$ 579,518	\$ 231,000	\$ 82,200
Beginning Assets	\$1,059,503	\$1,521,853	\$1,652,903

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

General Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Administrative Salaries	\$ 158,013	\$ 157,825	\$ 159,791
Town Property/Building/Other	\$ 110,680	\$ 94,600	\$ 83,100
Other General Government	\$ 869,049	\$ 712,510	\$ 683,000
Police Department	\$ 469,905	\$ 440,300	\$ 445,382
Fire Department	\$ 28,516	\$ 25,700	\$ 34,700
Rescue Squad Department	\$ 1,092	\$ 54,300	\$ 107,104
Public Works Department	\$ 168,281	\$ 223,700	\$ 206,632
Department of Parks & Recreation	\$ 226,399	\$ 205,100	\$ 112,000
Debt Service Administration	\$ -	\$ 62,120	\$ 62,880
Total Appropriations	\$2,031,935	\$1,976,155	\$1,894,589
Surplus/(Deficit)	\$ (12,026)	\$(222,255)	\$(242,089)
Ending Fund Balance	\$1,370,018	\$1,147,763	\$ 905,674

State Street Aid Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Public Works	\$34,052	\$34,800	\$34,050
Total Appropriations	\$34,052	\$34,800	\$34,050
Surplus/(Deficit)	\$ 998	\$ 750	\$ -
Ending Fund Balance	\$23,951	\$24,701	\$24,701

Drug Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Police Department	\$5,800	\$1,000	\$1,500
Total Appropriations	\$5,800	\$1,000	\$1,500
Surplus/(Deficit)	\$(5,091)	\$ 700	\$ -
Ending Fund Balance	\$1,678	\$2,378	\$2,378

Solid Waste Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Salaries	\$64,593	\$ 71,700	\$ 73,532
Other Expenses	\$33,386	\$ 36,700	\$ 45,000
Total Appropriations	\$97,979	\$108,400	\$118,532
Surplus/(Deficit)	\$40,630	\$ 33,750	\$ 14,718
Ending Fund Balance	\$40,630	\$ 74,380	\$ 89,098

Sewer Fund	FY 2010 Actual	FY 2011 Estimated	FY 2012 Proposed
Sewer Expenses	\$ 117,168	\$ 99,950	\$ 82,200
Total Appropriations	\$ 117,168	\$ 99,950	\$ 82,200
Surplus/(Deficit)	\$ 462,350	\$ 131,050	\$ -
Ending Fund Balance	\$1,521,853	\$1,652,903	\$1,652,903

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

General Fund	\$1,147,763
State Street Aid Fund	\$ 24,701
Drug Fund	\$ 2,378
Solid Waste Fund	\$ 74,380
Sewer Fund	\$1,652,903

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	\$ 62,880	\$ 780	\$0	\$0
Notes - Sewer	\$150,000	\$2,475	\$0	\$0

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

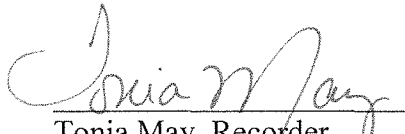
Proposed Capital Projects	Proposed Amount Financed by Appropriations	Proposed Amount Financed by Debt
General Building Improvements	\$ 10,000	
Improvements other than Buildings	\$ 5,000	
Rescue Truck	\$101,004	
Street Paving/Drainage	\$ 85,000	
Public Works Equipment	\$ 5,000	
Parks and Recreation	\$ 97,000	
Sewer Line Repairs	\$150,000	\$150,000

- 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, 2011, 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 May 5, 2011

Passed on Second Reading June 2, 2011

ORDINANCE NO. 213

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 titled Kimball, Tennessee, Proposed Rezoning, R-1 to C-2 further described in Section 2.
- Section 2** Property is described as Parcel 016.00, Marion County Tax Map 133E Group A (133E A 016.00), address 18 Kimball Lane and a portion of Parcel 017.00, Marion County Tax Map 133E Group A (133E A 017.00), address 830 Main Street.
- 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: June 2, 2011

SECOND READING: July 7, 2011



Mayor

ATTEST 

Town Recorder

Kimball, Tennessee


Proposed Rezoning

R-1 to C-2

Ordinance No. _____



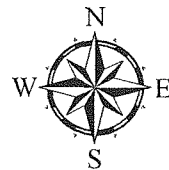
Legend

 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.

Source: LPAO & 2009 TNBMP Data



ORDINANCE NO. 214

AN ORDINANCE TO AMEND ORDINANCE NO. 210 CONCERNING THE BUDGET FOR THE FISCAL YEAR 2010-2011 FOR THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, on the 1st day of July, 2010, as set forth in Ordinance 210, the Board of Mayor and 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 general fund, the drug fund 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 2010-2011, as required by state law, the Board of Mayor and Aldermen have adopted the following Amendments to the budget set forth as

FUND 110	BUDGETED AMOUNT	TOTAL WITH AMENDED AMOUNTS	AMENDED AMOUNTS
General Fund			
Revenues			
31610 Local Sales Tax	\$1,200,000	\$1,306,500	\$106,500
Expenditures			
41810 243 Sewer	\$1,500	\$25,500	\$24,000
41990 259 Other Prof Services	\$15,000	\$45,000	\$30,000
41990 310 Office Supplies	\$6,000	12,500	\$6,500
41990 331 Gasoline/Diesel	\$30,000	\$36,500	\$6,500
42100 771 GHSSO Grant	\$0	\$5,000	\$5,000
43100 247 Street Light Electricity	\$12,000	\$17,000	\$5,000
43100 260 Traffic Light Repairs	\$3,500	\$15,500	\$12,000
43100 290 Other Contractual Services	\$1,500	\$7,500	\$6,000
44700 235 Registration, Memberships	\$2,500	\$3,000	\$500
44700 290 Other Contractual Services	\$3,000	\$9,000	\$6,000
44700 320 Operating Supplies	\$6,000	\$8,900	\$2,900
44700 326 Uniforms	\$5,000	\$7,100	\$2,100
<hr/>			
FUND 412	BUDGETED AMOUNT	TOTAL WITH AMENDED AMOUNTS	AMENDED AMOUNTS
Sewer Fund 52200			
Revenues			
36930 Sale of Note	\$0.00	\$150,000	\$150,000
Expenditures			
52200 260 Repairs and Maintenance	\$25,000	\$55,000	\$30,000

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

Section 1: That Ordinance 210 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth herein with the above amendments hereto and incorporated herein by reference, which is hereby adopted, along with Ordinance 210, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2010-2011.

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.

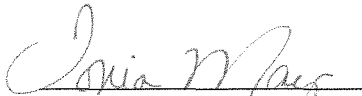
Section 3: That this Ordinance shall take effect and be enforced from and after passage, the public welfare of the Town of Kimball requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 4th day of August, 2011.



David Jackson, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

Passed on First Reading July 7, 2011

Passed on Second Reading August 4, 2011

ORDINANCE NO. 215

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2011-2012

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: Sewer Fund net assets will be the source of funds to pay principal for the Sewer Funds outstanding debt in order to maintain a balanced budget as required by *Tennessee Code Annotated* Title 9 Chapter 1 Section 116.

The following monies will be used from Sewer Fund net assets to pay debt principal.

Account 52200 (Sewer Fund) in the amount of \$75,000.00

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.

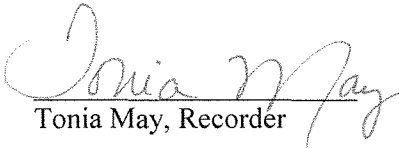
Section 4: If any section, clause, provision or portion of this ordinance is held to be invalid or un-constitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision or portion of this ordinance.

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 4th day of August, 2011.


David Jackson, Mayor

ATTEST:


Tonia May, Recorder

APPROVED AS TO FORM:


William L. Gouger, Jr., Attorney

Passed on First Reading July 7, 2011

Passed on Second Reading August 4, 2011

ORDINANCE NUMBER 216

**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 Municipal Floodplain Zoning Ordinance found in Title 14, Chapter 8 of the Kimball Zoning Ordinance.

See attached Municipal Floodplain Zoning Ordinance.

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE TOWN OF KIMBALL, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF KIMBALL, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

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, Mayor and Alderman, do ordain as follows:

Section B. Findings of Fact

1. The Town of Kimball, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Kimball, Tennessee 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. 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, floodproofed, 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 flooding 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 of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
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, safety 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 floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

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" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
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, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"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" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

"Building" 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 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 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 land masses. 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 initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the 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 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 Federal Emergency Management Agency (FEMA) 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 FEMA, 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 FEMA, 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 FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Floodprone 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 and 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 floodplain 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.

"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, blockage of bridge or culvert 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 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 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 the Town of Kimball, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee 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".

"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 FEMA.

"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 the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, 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 on or after the effective date of the initial 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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, 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.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"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;
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 Flood Hazard Area" 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.

"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 FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"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 fifty percent (50%) of the market value of the structure before the damage occurred. The current market value shall be determined by the county property assessor's office.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. The current market value shall be determined by the county property assessor's office. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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 fifty percent (50%) 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.

"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, the North American Vertical Datum (NAVD) of 1988, 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 the Town of Kimball, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Kimball, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community ID 470116 / Countywide 47115 Panel Number 0212, dated February 4, 2009 and Revised Panel Numbers 0205, 0210, 0216, and 0220 dated January 6, 2012, 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. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, 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, 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 Base Flood Elevations are available, or to certain height above 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 floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and 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 AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base 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. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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, the following:

1. Review 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. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify 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 submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. 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 and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. 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), 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.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, 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 Town of Kimball, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance 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 areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring 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 and substantial improvements 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;
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;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall

have the lowest floor, including basement, elevated to 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 shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate 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 to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). 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 shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of 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 shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). 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 shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, 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 Tennessee 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. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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 Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 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. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

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.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- 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 in an identified Special Flood Hazard Area 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), or;
- 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development 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 and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas 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 development 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 shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same

methodologies as in the effective Flood Insurance Study for the Town of Kimball, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas 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 construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee 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 and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, 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 (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set

forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 Town of Kimball, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas 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 (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, 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 as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, 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 on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee 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 accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the Town of 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. No encroachments including fill material or other development including 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 Tennessee 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 a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The Town of Kimball, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions

thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal 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 Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal 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 Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall 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 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 Municipal 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 Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Kimball, Tennessee Municipal 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 as defined, herein, 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal 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 use;
 - 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;
 - 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, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal 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 the factors listed in Article VI, Section A.
- 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA 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 the Town of Kimball, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

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 the Town of Kimball, Tennessee, and the public welfare demanding it.

Approved and adopted by the Town of Kimball, Tennessee, Mayor and Alderman.


October 6, 2011
Date



Mayor of Kimball, Tennessee

Attest: Josia May
City Recorder

October 6, 2011
Date of Public Hearing


TOWN ATTORNEY

1st Reading September 1, 2011

2nd Reading October 6, 2011

ORDINANCE NO. 217

AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO PROHIBIT THE POSSESSION, SALE, DELIVERY, TRANSFER, OR ATTEMPT TO POSSESS, SALE, DELIVER OR TRANSFER SYNTHETIC DRUGS

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee finds that abuse of certain synthetic drugs is a pervasive problem, has a deleterious effect on public health, welfare and safety, and poses a real and present danger to the citizens of Kimball; and

WHEREAS, the Kimball Board finds that certain synthetic drugs are readily available for sale within the Town of Kimball; and

WHEREAS, the Kimball Board desires to regulate, control and restrict the use, possession, sale, delivery, transport, transfer, trade, barter, exchange or purchase of certain synthetic drugs, or the attempt to use, possess, sale, deliver, distribute, transport, transfer, trade, barter, exchange or purchase such synthetic drugs, and to prohibit the public display for sale of such synthetic drugs, within the Town corporate limits, to the maximum extent permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE, as follows:

SECTION 1. Synthetic Drugs Prohibited.

a. Definitions:

1. "Synthetic drug" as used in this section shall mean:

(a) any substance, however denominated, and no matter the common street brand or trade name of such substance, containing one or more of the following chemicals:

(1) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia dininorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts;

(2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3(2methyloctan2y1)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen- 1 -ol (some trade or other names being: HU-210);

(3) 1-Penty1-3-(1-naphthoyl) indole (some trade or other names being: JWH-018);

- (4) 1-Butyl-3-(Inaphthoyl) indole (some trade or other names being: JWH-073);
- (5) 1-(3 {trifluoromethylphenyl}) piperazine (some trade or other names being: TFMPP);
- (6) 3, 4-methylenedioxypropylone (MDPV), (some trade or other names being; MDPK);
- (7) 4-methylmethcathinone (Mephedrone);
- (8) 3,4 – methylenedioxymethcathinone (Methylone);
- (9) 3, – methoxymethcathinone;
- (10) 4 – methoxymethcathinone;
- (11) 3 – fluoromethcathinone;
- (12) 4 – fluoromethcathinone;

(b) any other substance which mimics the effects of any controlled substance (to include, but not limited to, any opiates, opium derivatives, hallucinogenic substances, methamphetamine, MDMA, cocaine, PCP, marijuana, cannabis, cannabinoids, cannabicyclohexanol, and tetrahydrocannabinol), to include, but not limited to, "bath salts," "plant food," "incense," or "insect repellent," but excluding legitimate bath salts containing as the main ingredient the chemicals sodium chloride (sea salt) and/or magnesium sulfate (Epsom salt), or legitimate plant foods or insect repellent not intended for human consumption, or legitimate incense used as an odor elimination product.

2. "Deliver" or "Delivery" as used in this section shall mean the actual, constructive, or attempted transfer from one person to another of a synthetic drug as defined herein, with or without any consideration, and whether or not there is an agency relationship.

3. "Manufacture" as used in this section shall mean the production, preparation, propagation, compounding, conversion, or processing of any synthetic drug as defined herein, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that the term "manufacture" shall not include the preparation, compounding, packaging, or labeling of any synthetic drug as defined herein by: (A) A practitioner as an incident to administering or dispensing any synthetic drug as defined herein in the course of professional practice; and (B) a practitioner, or an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

4. "Administer" as used in this section shall mean the direct application of a synthetic drug as defined herein, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (A) a practitioner or by the practitioner's authorized agent in the practitioner's presence; or (B) the patient or research subject at the direction and in the presence of the practitioner.
5. "Agent" as used in this section shall mean an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. "Agent" does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.
6. "Dispense" as used in this section shall mean to deliver a synthetic drug as defined herein to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
7. "Distribute" as used in this section shall mean to deliver other than by administering or dispensing a synthetic drug as defined herein.
8. "Practitioner" as used in this section shall mean: (A) a physician, dentist, optometrist, veterinarian, pharmacist, scientific investigator or other person who is licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee; or (B) a pharmacy, hospital or other institution licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee.
9. "Person" as used in this section shall mean any individual, corporation, partnership, trust, estate, association, organization, business, or any other legal entity.
10. "Sell" or "Sale" as used in this section shall mean a bargained-for or agreed upon offer and acceptance and an actual or constructive transfer or delivery of a synthetic drug as defined herein.
11. "Production" as used in this section shall mean the planting, cultivating, tending, growing, or harvesting of a synthetic drug as defined in this section.
12. "Possess" or "Possession" as used in this section shall mean either actual possession or constructive possession. (A) "Actual Possession" as used in this section shall mean the exercise of direct physical control or dominion over an object. (B) "Constructive Possession" as used in this section shall mean the power and intent to exercise control over an object although not in actual physical possession of an object. Possession may be sole or joint and may be inferred from all relevant facts surrounding the circumstances.

b. Prohibited Conduct.

1. It shall be unlawful for any person to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, or to attempt to use, possess, sale, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, within the Town corporate limits.

2. It shall be unlawful for any person to publicly display for sale any synthetic drug as defined herein, within the Town corporate limits.

c. Exception: An act otherwise prohibited and unlawful under this section shall not be unlawful if done by or under the direction of a "practitioner" as defined herein, provided such act is otherwise permitted by general law, or to otherwise prohibit substances regulated as controlled substances by the United States Food and Drug Administration or the Drug Enforcement Administration, and is not intended to and shall not be construed to supersede any other federal or state law pertaining to synthetic drugs now or hereafter in effect, but to supplement any such laws in so far as lawfully permitted.

d. Civil Penalty. Any Town of Kimball sworn law enforcement officer is hereby empowered to issue a citation to any person for any violation of the provisions of this section. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he/she cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in Kimball Municipal Court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for a violation of any of the provisions of this section shall be tried in the Municipal Court. The Municipal Court Judge shall determine whether a defendant has committed a violation of this section. The Town shall bear the burden of proof by a preponderance of the evidence. If a defendant pleads guilty or "no contest" to the alleged violation, or is found guilty by the Municipal Court Judge, the Municipal Court Judge shall assess a civil monetary fine as a penalty against any person found to have violated any of the provisions of this section, said fine to be in an amount of fifty dollars (\$50.00) for each violation. Each day of violation shall be deemed a separate violation. Each separate package containing any substance containing any synthetic drug as defined herein shall be deemed a separate violation. In addition to the civil monetary fine, any defendant who pleads guilty or "no contest" to the alleged violation, or who is found guilty by the Municipal Court Judge, shall be assessed court costs as provided by law, and in addition shall be ordered to pay an administrative fee to the Town in an amount sufficient to recoup the cost incurred by the Town's law enforcement agency for any chemical test conducted by or at the request of the law enforcement agency that is used to determine

the chemical content of any substance collected from the defendant which formed the basis for any citation charge. Appeal may be had as provided by law.

SECTION 2. If any section, subsection, sentence, clause, phrase, paragraph, word or provision or part thereof of this Ordinance is for any reason held to be invalid or unlawful by any court of competent jurisdiction, such decision shall not be construed to affect the validity of any remaining section, subsection, sentence, clause, phrase, paragraph, word or provision or part thereof and the same shall continue 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 the 2nd and final reading on the 5th day of January, 2012.



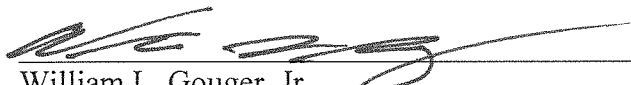
DAVID JACKSON, Mayor

ATTEST:



Tonia May, Town Recorder

APPROVED AS TO FORM:



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

Passed on first reading: December 1, 2011

Passed on second reading: January 5, 2012

- ORDINANCE 212 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 **(BUDGET)**
- ORDINANCE 213 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 AND ZONING)**
- ORDINANCE 214 AN ORDINANCE TO AMEND ORDINANCE NO. 210 CONCERNING THE BUDGET FOR THE FISCAL YEAR 2010-2011 FOR THE TOWN OF KIMBALL, TENNESSEE **(BUDGET)**
- ORDINANCE 215 AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2011-2012 **(BUDGET)**
- ORDINANCE 216 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 217 AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO PROHIBIT THE POSSESSION, SALE, DELIVERY, TRANSFER, OR ATTEMPT TO POSSESS, SALE, DELIVER OR TRANSFER SYNTHETIC DRUGS