

ORDINANCE NO. 206

AN ORDINANCE TO AMEND ORDINANCE NO. 172 TO REPLACE THE 2003 EDITIONS OF THE INTERNATIONAL BUILDING CODES WITH THE 2009 EDITIONS OF SAME, WITH THE EXCEPTION OF SECTION P2904 OF THE INTERNATIONAL RESIDENTIAL CODE.

WHEREAS, by virtue of Ordinance No. 172, the Town of Kimball, Tennessee, adopted the 2003 Editions of the International Building Code, the International Plumbing Code, the International Fuel Gas Code, the International Residential Code, and the International Mechanical Code for application and enforcement within the municipal limits of the Town; and

WHEREAS, the International Code Council has now adopted 2009 Editions of said Codes, and the Building Inspector for the Town has recommended to the Board of Mayor and Aldermen that these updated Codes, with the exception of Section P2904 of the 2009 International Residential Code entitled "Dwelling Unit Fire Sprinkler Systems", are more appropriate for the Town and that adoption of same is in the best interest of the Town and its citizens; and

WHEREAS, the Board of Mayor and Aldermen has accepted the recommendation of the Building Inspector and determined that adoption of the 2009 Codes created by the International Code Council is in the best interest of the Town.

NOW, THEREFORE, be it ordained and enacted by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that Ordinance No.172 be amended as follows:

Section 1. That all references contained and set forth in said Ordinance No. 172 to the 2003 Editions of the International Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, and International Residential Code are hereby changed and amended to provide that the Town adopts the 2009 Editions of all of said Codes, with the specific exception of Section P2904 of the International Residential Code entitled "Dwelling Unit Fire Sprinkler Systems", which section is not adopted by the Town.

Section 2. All other provisions set forth and contained within said Ordinance No. 172, 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 That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

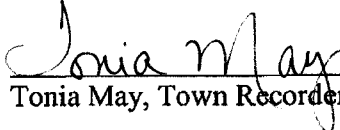
Section 5. That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the 2nd and final reading on the 4th day of March, 2010.




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 2-4-2010

Passed on second reading 3-4-2010

ORDINANCE NO. 207

**AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE,
ESTABLISHING PEDDLER AND SOLICITOR REGULATIONS,
PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, desires to establish regulations regarding peddlers and solicitors within the municipal limits of the Town and for the best interest of the health, safety and general welfare of its citizens.

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

Section 1. Definitions

- (A) "Peddler" means any person, firm or corporation, either a resident or a non-resident of the Town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.
- (B) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares, or merchandise, or personal property of any nature whatever, for future delivery.
- (C) "Registered Solicitor" means and includes any person, firm or corporation which has obtained a valid certificate or registration as provided in this Ordinance.

Section 2. Registration and Permit required. It is unlawful and a nuisance for any person, firm or corporation to engage in commercial or business solicitation and/or canvassing or calling at residences without the previous consent of the occupant for purposes of soliciting orders, sales, subscriptions or business commercial information without first having registered in and obtained a permit from the Office of the Town Recorder. The applicant shall provide a written, sworn and signed application stating:

- A. The complete name, permanent address, telephone number, and contact person for the principal applicant;
- B. The nature of the products or services involved, the names of the manufacturers, if any, and a brief description of the type of business and the goods to be sold;
- C. The proposed method of operation in the Town;
- D. Dates, times, and locations in which the applicant intends to do business or make solicitations;

- E. A list of persons who will solicit or canvass in the Town, including each person's name, address and telephone number, and a general description of each person;
- F. The make, model, complete description, and license tag number and state of issue of each vehicle to be used to make sells or solicitation, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person;
- G. Tennessee State Sales Tax Number, if applicable; and
- H. Any other information required by the Town.

Section 3. Permit Fee and Duration. Each applicant for a permit hereunder shall submit with its application a non-refundable fee of \$100.00 (One Hundred Dollars) for each person or entity engaged in the activities described herein. There shall be no fee for an application for a permit by a solicitor for charitable or religious purposes. All permits issued hereunder shall be valid for a period of thirty (30) days from the date of issuance.

Section 4. Identification. No peddler, solicitor or registered solicitor shall conduct business within the Town limits without possessing a valid copy of their solicitor/peddler permit at all times.

Section 5. Hours of Operation. Peddlers, solicitors or registered solicitors as defined herein shall not operate within the Town limits of Kimball between the hours of 4:00 P.M. and 8:00 A.M. without a prearranged appointment.

Section 6. No Soliciting Signs Compliance. No peddler, solicitor or registered solicitor shall contact any residence that is posted by signage that such contacts are not desired by the residents.

Section 7. Use of Streets, Parks or Rights of Way. No peddler, solicitor or registered solicitor shall have any exclusive right to any location in the public streets, parks or public rights of way, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section, the judgment of a law enforcement officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 8. Exemptions. Except where noted, the following shall be exempt from all provisions of this Ordinance:

- (A) Officers, employees or agents of the Town, County, State or Federal Government, or any subdivision thereof when on official business;
- (B) Charitable, religious, nonprofit organizations, any political campaign on behalf of (or in opposition to) any candidate for public office or other similar civic, charitable or non-profit organizations shall be exempt from all provisions hereof except the section pertaining to compliance with "No

Soliciting" signage. Upon request of the Town, any organization or person claiming status as a "charitable" or "religious" organization shall demonstrate its eligibility to claim such status by showing that it meets all of the following conditions:

- (1) It has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Code, as amended, or as a public school organization or church.
 - (2) It is organized for charitable, religious or school purposes.
 - (3) It has been in continued existence as a charitable, religious, or school organization in the Town of Kimball for a period of one (1) year prior to the date of its application for registration under this Ordinance.
- (C) The terms of this Ordinance shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bonafide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products who, in fact, themselves produced the products being sold.

Section 9. Enforcement and Penalties. VIOLATION - PENALTY: Violation of this Ordinance shall be punished by a fine not to exceed \$50.00 per offense, plus court costs. Each violation of this ordinance shall be deemed a separate offense and punishable as herein provided.

Section 10. Prior Ordinances. Any prior ordinances or parts of ordinances in conflict with the terms of this Ordinance are preempted, superceded, and replaced by the terms and provisions of this Ordinance.

Section 11. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or Federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 12. Effective Date. This Ordinance shall be effective immediately upon its final passage and publication as required by law, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the 2nd and final reading on the 6th day of May, 2010.



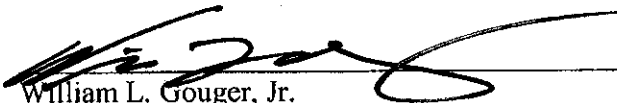
DAVID JACKSON, Mayor

ATTEST:



Tonia May, Town Recorder

APPROVED AS TO FORM:



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

Passed on first reading April 1, 2010

Passed on second reading May 6, 2010

ORDINANCE NO. 208

AN ORDINANCE TO AMEND ORDINANCE NO. 75 REGARDING THE NUMBER OF GROUND SIGNS ALLOWED IN THE HIGHWAY COMMERCIAL DISTRICT (C-2) OF THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, by virtue of Ordinance No. 75, the Town of Kimball, Tennessee, a system was created to control, regulate and permit the placement, construction and description of signs that will be allowed within the corporate limits of the Town of Kimball, Tennessee; and

WHEREAS, included within the provisions of Ordinance No. 75 is Section 2(B)(2)(e), which provides that ground signs are permitted in the Town's highway commercial district (C-2), provided that the number of such ground signs does not exceed three (3) signs per tract of property; and

WHEREAS, application of said section of Ordinance No. 75 has become problematic in that commercial tracts located within the Town's highway commercial district (C-2) are of varying sizes and dimensions, with the result being that enforcement of same may be inequitable under certain circumstances; and

WHEREAS, it is now the desire of the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, to amend said Ordinance No. 75 for the specific purpose of modifying Section 2(B)(2)(e) to provide for a relationship between the size of the commercial parcels at issue and the number of signs allowed thereon.

NOW, THEREFORE, be it ordained and enacted by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that Ordinance No.75 be amended as follows:

Section 1. That Section 2(B)(2)(e) of said Ordinance No. 75 be deleted in its entirety, and that the following language be substituted in lieu thereof:

- e. do not exceed two (2) signs per tract of property for all tracts that are less than one (1) acre in size; do not exceed three (3) signs per tract of property for all tracts of property that are at least one (1) acre but less than four (4) acres in size; or do not exceed four (4) signs per tract of property for all tracts of property that are four (4) acres in size or larger.

Section 2. All other provisions set forth and contained within said Ordinance No. 75, as previously amended by Ordinance Nos. 102 and 156, 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.

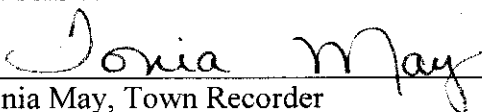
Section 5. That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the 2nd and final reading on the 6th day of May, 2010.




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 1, 2010

Public hearing May 6, 2010

Passed on second reading May 6, 2010