

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 That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

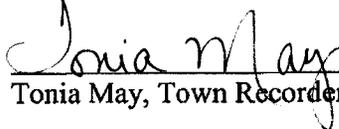
Section 5. That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

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



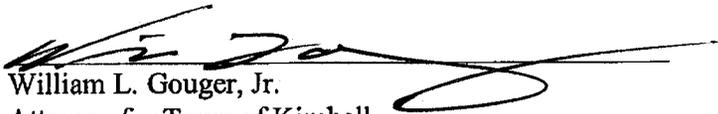
DAVID JACKSON, Mayor

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.

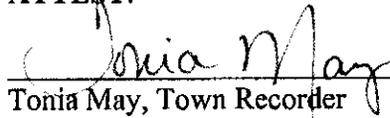
Section 12. Effective Date. This Ordinance shall be effective immediately upon its final passage and publication as required by law, the public welfare requiring it.

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



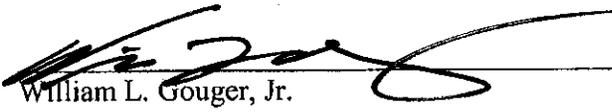
DAVID JACKSON, Mayor

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.

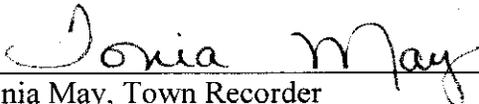
Section 5. That this Ordinance shall take effect and be in force from and after final passage, the public welfare requiring it.

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

ORDINANCE NO. 209

AN ORDINANCE TO AMEND ORDINANCE NO. 203 CONCERNING THE BUDGET FOR THE FISCAL YEAR 2009-2010 FOR THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, on the 25th day of June, 2009, as set forth in Ordinance 203, 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 2009-2010, 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	AMENDED AMOUNT	TOTAL WITH AMENDMENTS
General Fund			
Revenues			
32710 Sign Permit	\$1,600.00	\$2,000.00	\$3,600.00
33110 Community Development Grant	\$400,000.00	-\$400,000.00	\$0.00
34740 Park and Recreation Charges	\$5,000.00	\$2,600.00	\$7,600.00
36330 Sale of Equipment	\$0.00	\$3,400.00	\$3,400.00
36930 Sale of Notes	\$0.00	\$125,000.00	\$125,000.00
27100 Fund Balance	\$0.00	\$00.00	\$00.00
Expenditures			
41810 700 TAEP Grant	\$0.00	\$7,000.00	\$7,000.00
41810 914 Insurance Repairs	\$0.00	\$33,600.00	\$33,600.00
41990 770 CDBG Grant	\$510,000.00	-\$510,000.00	\$0.00
41990 910 Land	\$0.00	\$125,400.00	\$125,400.00
42100 771 GHSSO Grant	\$0.00	\$8,100.00	\$8,100.00
43100 260 Traffic Light Repairs	\$3,500.00	\$14,000.00	\$17,500.00
43100 290 Other Contractual Services	\$0.00	\$3,000.00	\$3,000.00
43100 932 Drainage Improvements	\$10,000.00	\$25,000.00	\$35,000.00
43100 940 Equipment	\$0.00	\$4,800.00	\$4,800.00
44700 937 Parks and Recreation	\$25,000.00	\$22,100.00	\$47,100.00
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FUND 123	BUDGETED AMOUNT	AMENDED AMOUNT	TOTAL WITH AMENDMENTS
Drug Fund 42129			
Revenues			
27100 Fund Balance	\$3,000.00	\$1,300.00	\$4,300.00
Expenditures			
320 Operating Supplies	\$4,500.00	\$1,300.00	\$5,800.00

FUND 412

	BUDGETED AMOUNT	AMENDED AMOUNT	TOTAL WITH AMENDMENTS
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Sewer Fund 52200**Revenues**

33400 State Grant CDBG	\$0.00	\$366,150.00	\$366,150.00
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Expenditures

260 Repairs and Maintenance	\$15,000.00	\$33,000.00	\$48,000.00
311 Office Supplies, Computer, Desk	\$0.00	\$4,600.00	\$4,600.00
340 Other Repair and Maintenance	\$0.00	\$4,000.00	\$4,000.00
446 Chemicals	\$0.00	\$10,000.00	\$10,000.00
700 Grant CDBG	\$0.00	\$492,000.00	\$492,000.00

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

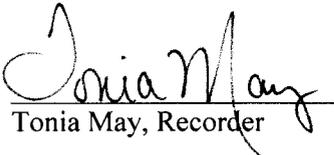
- Section 1:** That Ordinance 203 which sets forth the schedule of revenues and expenditures for the Town of Kimball, Tennessee, is hereby amended as set forth in with the above amendments hereto and incorporated herein by referenced, which is hereby adopted, along with Ordinance 203, as the budget for the Town of Kimball, Tennessee, for the fiscal year 2009-2010.
- 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 1st day of July, 2010



 David Jackson, Mayor

ATTEST:



 Tonia May, Recorder

APPROVED AS TO FORM:



 William L. Gouger, Jr., Attorney

Passed on First Reading June 3, 2010

Passed on Second Reading July 1, 2010

Ordinance No. 210

AN ORDINANCE ADOPTING A BUDGET AND LEVYING A PROPERTY TAX FOR THE FISCAL YEAR JULY 1, 2010 – JUNE 30, 2011 FOR THE TOWN OF KIMBALL, TENNESSEE

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

Section 1. A budget consisting of the available funds and appropriations listed in sections 2 and 3 below, be and is hereby adopted for the Fiscal Year July 1, 2010 through June 30, 2011

Section 2. Revenues and Fund Balances for the budget are as follows:

General Fund	\$1,974,550
General Fund Balance	\$1,017,707
State Street Aid Fund	\$ 34,050
State Street Aid Fund Balance	\$ 20,719
Drug Fund	\$ 1,500
Drug Fund Balance	\$ 1,653
Sewer Fund	\$ 85,000

Section 3. Expenditures for the budget are as follows:

General Fund	\$2,205,887
State Street Aid	\$ 34,050
Drug Fund	\$ 1,500
Sewer Fund	\$ 85,000

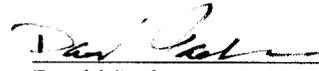
Section 4. Appropriations listed above may not be exceeded without enactment of an ordinance amending the budget.

Section 5. A detailed line item financial plan shall be prepared in support of the budget.

Section 6. There is hereby levied a property tax of \$.10 per \$100 of assessed valuation of taxable property in the Town of Kimball for the purpose of funding the FY 2010-2011 Annual Budget.

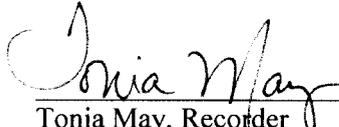
Section 7. This ordinance shall become effective on July 1, 2010, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen on the second and final reading on the 1st day of July, 2010.



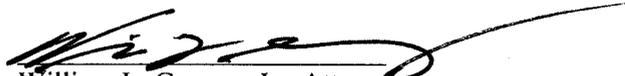
David Jackson, Mayor

ATTEST:



Tonia May, Recorder

APPROVED AS TO FORM:



William L. Gouger, Jr., Attorney

Passed on First Reading June 3, 2010

Passed on Second Reading July 1, 2010

ORDINANCE NO. 211

AN ORDINANCE OF THE TOWN OF KIMBALL, TENNESSEE TO REGULATE ANIMAL AND VEGETABLE FATS, OILS AND GREASE AS WELL AS SOIL/SAND AND LINT TRAPS AND INTERCEPTORS.

WHEREAS, by the provisions of Ordinance No. 79, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, enacted provisions relative to placement and operation of grease traps for certain users of the Town's sanitary sewer system; and

WHEREAS, it has now come to the attention of the Board that further adoption and enactment of a program to regulate animal and vegetable fats, oils, and grease as well as soil/sand and lint traps and interceptors will supplement said Ordinance No. 79 and aid in the operation and maintenance of the Town's sewer system and contribute to the overall welfare and betterment of the Town and its residents; and

WHEREAS, the adoption of such a program will also help to curb sanitary sewer overflows (SSO's) related to grease accumulation in the Town's sanitary sewer mains.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that a comprehensive program to regulate animal and vegetable fats, oils, and grease as well as soil/sand and lint traps and interceptors be adopted and implemented in the Town, and that same be ordained and made to apply to any facility, other than single-family residences, connected to the Town's sanitary sewer collection and treatment system, including but not necessarily limited to those facilities involved in the preparation or serving of foods.

BE IT FURTHER ORDAINED AND ENACTED that the terms and provisions of such program are and shall be as follows:

SECTION 1. Purpose: The purpose of this Ordinance is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

SECTION 2. Fat, Oil and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the Superintendent of the Town's sewer system, they are necessary for the proper handling of liquid wastes containing Fats, Oils, and Grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family

residences. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 3. Definitions. In the interpretation and application of this Ordinance, the following words and phrases shall have the indicated meanings:

(1) **“Interceptor”.** A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

(2) **“Grease Trap”.** An interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.

(3) **“Grease Interceptor”.** An interceptor whose rated flow is 50 g.p.m. or less and is typically located inside the building.

SECTION 4. Fat, Oil, Grease, and Food Waste.

(1) **New Construction and Renovation.** Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) **Existing structures.** All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other existing sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the Superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) **Implementation of plan.** After approval of the FOG Plan by the Superintendent, the sewer user must implement the plan within a reasonable amount of time, and service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the Superintendent the user continues to impact the collection system

and treatment plant, additional pretreatment measures may be required.

(4) Pumping Requirements. All users of the Town's public sewerage collection system and treatment plant covered by the provisions of this Ordinance shall be responsible for pumping of their grease traps, interceptors, soil/sand traps, and/or lint traps on a regular basis at the expense of such users. Such action shall be taken and proof of same together with the report prepared by the contractor shall be provided to the Superintendent of the Town's sewer collection system at least every ninety (90) days. Only licensed pumping contractors may be used, and the Town reserves the right to approve or reject any such contractors at its discretion.

SECTION 5. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the Superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewers.

SECTION 6. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size, such as strings, rags, buttons, or other solids detrimental to the system.

SECTION 7. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with International Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable Town guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the Town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund or reimburse the labor, equipment, materials and overhead costs to the Town. Nothing in this section shall be construed to prohibit or restrict any other remedy the Town has under this ordinance, or state or federal law.

The Town retains the right to inspect and approve installation of the control equipment.

SECTION 8. Solvents Prohibited. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

SECTION 9. Administrative Requirements.

(1) **Administrative Fee.** An administrative fee for facilities falling within the provisions of this Ordinance is hereby established at \$300.00 per year. This fee may be modified by the Town from time to time to insure full cost recovery, which costs shall include but not be limited to the cost of field, administrative, engineering, and clerical expenses involved.

(2) **Monitoring.** As a condition for service, facilities falling within the provisions of this Ordinance shall provide, operate, and maintain, at such user's expense, safe and accessible monitoring facilities at all times to allow observation, inspection, sampling, and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis.

(3) **Inspection and Entry.** Authorized personnel of the Town shall have the right to enter upon all properties subject to this Ordinance, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this ordinance.

SECTION 10. Enforcement. The Town shall have the administrative authority to enforce the terms and provisions of this Ordinance. Whenever the Town finds that any user has violated or is violating the terms and provisions hereof, or any prohibition, limitation, or requirements contained herein, the Town shall initiate corrective action, which may include but not be limited to the following:

(1) **Notice of Violation.** The Town may issue any user a written notice stating the nature of violation. Within fifteen (15) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the user.

(2) **Consent Order.** The Town may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken

by the user to correct the noncompliance within a time period specified by the order.

(3) Administrative Order. When the Town finds that a user has violated or continues to violate the provisions set forth in this Ordinance, or any order issued hereunder, the Town may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including but not limited to the installation of pretreatment technology, additional self-monitoring, and management practices.

(4) Civil citation. Any person who violates this Ordinance shall be guilty of a civil violation punishable under and according to the general penalty provision of the Town's municipal code of ordinances, initiated by citation to the Town's municipal court by the Superintendent or other appropriate Town official. Each day's violation of this Ordinance shall be considered a separate offense.

(5) Emergency Suspension of Services. The Town may suspend water or sewer service when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which:

(a) presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;

(b) causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;

(c) causes interference to the treatment works; or

(d) causes the Town to violate any terms or conditions of its contracts or treatment of the Town's sewage waste or any permits in relation to same.

Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the

suspension order, the Town shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the sewage collection and/or treatment system or sewer connection or endangerment to any individuals. The Town shall reinstate the water or sewer service when such conditions causing the suspension have been eliminated and any reconnection fee is paid. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Town within fifteen (15) days of the date of occurrence.

(6) Administrative Penalty. Notwithstanding any other remedies or procedures available to the Town, any user who is found to have violated any provision of this Ordinance or any order issued hereunder may be assessed an administrative penalty not to exceed \$1,000.00 per violation. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service bill and the Town shall have such other collection remedies as are available by law.

(7) Request for Hearing and Appeal. Any person affected by a penalty, order, or directive of the Town issued pursuant to this Ordinance may, within ten (10) days of the issuance of such penalty, order, or directive, request a hearing in writing before the Board of Mayor and Aldermen of the Town to show cause why such should be modified or made to not apply to such person. The requested hearing shall be held as soon as practicable after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Board shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order, or directive at issue.

(8) Cost recovery. Notwithstanding any other remedies available to it under this Ordinance, the Town shall have the absolute right to recover from any user found to be in violation of this Ordinance all expenses, costs, charges, assessments, civil penalties, and/or damages incurred by or assessed to the Town as a result of such violation, and failure by a user to pay such costs, expenses, charges, assessments, civil penalties, and/or damages shall be deemed a separate violation of this Ordinance, entitling the Town to all remedies available to it as set forth herein.

SECTION 11. Alteration of Control Methods. The Town through the Superintendent reserves the right to request additional control measures if measures taken are shown to be insufficient to protect the sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand/soil, or lint.

SECTION 12. Each section, subsection, paragraph, sentence, and clause of this Ordinance, is declared to be separable and severable.

SECTION 13. 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 November, 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: October 7, 2010

Passed on second reading November 4, 2010