

# ORDINANCE NO. 293

## AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2024-2025

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

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

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

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

**WHEREAS,** the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and includes additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

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

**Section 1:** The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2024-2025 fiscal year:

General Fund 110	Acct #	Beginning	Amendment	Grand Total
VRBO/AirBNB	33800	\$0.00	\$1,560.00	\$1,560.00
Court Fines	35110	\$8,000.00	\$4,600.00	\$12,600.00
Sale of Land	36310	\$0.00	\$25,000.00	\$25,000.00
Insurance Recoveries	36350	\$0.00	\$89,996.00	\$89,996.00
Miscellaneous	36990	\$5,000.00	\$3,600.00	\$8,600.00
Fund Balance	27100	\$813,750.00	\$423,244.00	\$1,236,994.00
			\$548,000.00	
Town Property - Improvements	41810 930	\$40,000.00	-\$40,000.00	\$0.00
Other Gen. - Flags	41990 313	\$1,000.00	\$3,000.00	\$4,000.00
Other Gen. - Food	41990 323	\$6,500.00	\$300.00	\$6,800.00
Other Gen. - Ins. on Bldgs.	41990 511	\$47,000.00	\$7,000.00	\$54,000.00
Other Gen. - Liability Ins.	41990 512	\$28,600.00	\$200.00	\$28,800.00
Other Gen. - Vehicle Ins.	41990 522	\$29,000.00	\$400.00	\$29,400.00
Other Gen. - Litigation Tax	41990 569	\$700.00	\$700.00	\$1,400.00
Police - Motor Vehicle Parts	42100 332	\$8,000.00	\$4,500.00	\$12,500.00
Police - Grant VCIF	42100770	\$2,500.00	\$1,600.00	\$4,100.00
Police - Insurance Repairs	42100 914	\$3,725.00	\$4,900.00	\$8,625.00

				Ordinance 293
Police - Police Vehicle/Equipment	42100 940	\$15,000.00	\$545,000.00	\$560,000.00
Fire - Repair & Maint. Vehicle	42200 261	\$2,400.00	\$2,000.00	\$4,400.00
Highway/Streets - Street Light Electricity	43100 247	\$6,000.00	-\$6,000.00	\$0.00
Highway/Streets - Uniform Allowance	43100 326	\$3,600.00	\$800.00	\$4,400.00
Highway/Streets - Operating Supplies	43100 320	\$4,500.00	\$1,100.00	\$5,600.00
Highway/Streets - Motor Vehicle Repairs	43100 332	\$3,500.00	\$4,500.00	\$8,000.00
Sanitation - Other Contractual Svs.	43200 290	\$250.00	\$2,100.00	\$2,350.00
Sanitation - Motor Vehicle Parts	43200 332	\$5,000.00	\$8,700.00	\$13,700.00
Parks/Rec - Overtime	44700 123	\$3,000.00	\$1,200.00	\$4,200.00
Parks/Rec - Registration, Memberships	44700 235	\$7,000.00	\$3,000.00	\$10,000.00
Parks/Rec - Operating Supplies	44700 320	\$10,000.00	\$3,000.00	\$13,000.00
			\$548,000.00	

**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.

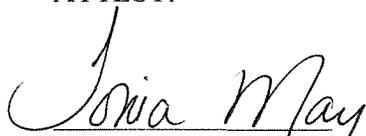
**Section 4:** If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this ordinance.

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

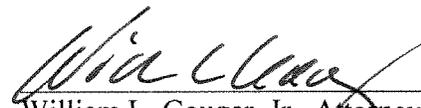
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the second and final reading on the 13<sup>th</sup> day of February, 2025.

  
Rex Pesnell, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
William L. Gouger, Jr., Attorney

First Reading      January 2, 2025

Public Hearing      February 13, 2025

Passed on Second Reading February 13, 2025

# ORDINANCE NO. 294

## AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2024-2025

- WHEREAS,** the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;
- WHEREAS,** *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;
- WHEREAS,** *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;
- WHEREAS,** the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;
- WHEREAS,** the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and includes additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

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

**Section 1:** The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2024-2025 fiscal year:

General Fund 110	Acct #	Beginning	Amendment	Grand Total
Federal Grants-CDBG and THSO	33100	\$447,000.00	-\$415,340.00	\$31,660.00
State Grants	33400	\$0.00	\$37,810.00	\$37,810.00
Court Fines	35110	\$12,600.00	\$4,200.00	\$16,800.00
Interest	36100	\$70,500.00	\$44,790.00	\$115,290.00
Sale of Equipment	36330	\$0.00	\$22,000.00	\$22,000.00
Fund Balance	27100	\$1,481,256.00	-\$346,950.00	\$1,134,306.00
			-\$653,490.00	
Other Gen. - Auto License	41990 213	\$40.00	\$210.00	\$250.00
Other Gen. - Kimball Town Events	41990 287	\$8,000.00	\$1,500.00	\$9,500.00
Other Gen. - Food - Dinners/Christmas	41990 323	\$6,800.00	\$1,500.00	\$8,300.00
Other Gen. - Worker's Comp	41990 515	\$40,000.00	\$7,000.00	\$47,000.00
Police - THSO Overtime	42100 129	\$10,000.00	\$2,000.00	\$12,000.00
Police - Fire Arms Supplies	42100 327	\$800.00	\$1,000.00	\$1,800.00
Police - Motor Vehicle Parts	42100 332	\$12,500.00	\$2,500.00	\$15,000.00
Police - THSO Expenses Other Than OT	42100 771	\$15,000.00	-\$2,000.00	\$13,000.00
Fire - Grant	42200 700	\$718,610.00	-\$672,200.00	\$46,410.00
Rescue -Other Communications Pagers	42620 219	\$3,000.00	\$300.00	\$3,300.00

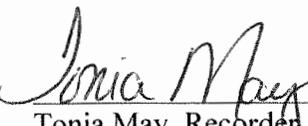
			Ordinance 294	
Highway/Streets - Repair and Maint Lights	43100 260	\$5,000.00	\$3,000.00	\$8,000.00
Highway/Streets - Repair and Maint Motor	43100 261	\$7,000.00	\$3,000.00	\$10,000.00
Highway/Streets - Other Contractual	43100 290	\$1,000.00	\$500.00	\$1,500.00
Highway/Streets - Sign Parts	43100 342	\$2,500.00	\$1,000.00	\$3,500.00
Highway/Streets - Drainage	43100 932	\$20,000.00	-\$17,500.00	\$2,500.00
Highway/Streets-Truck/Equip/Lights	43100 940	\$105,000.00	\$14,000.00	\$119,000.00
Sanitation - Repair and Maint Motor Veh	43200 261	\$5,000.00	\$1,000.00	\$6,000.00
Parks/Rec - Registration, Memberships	44700 235	\$10,000.00	-\$1,500.00	\$8,500.00
Parks/Rec - Uniforms	44700 326	\$11,196.00	\$1,200.00	\$12,396.00
			-\$653,490.00	

- 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 unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this ordinance.
- Section 5:** This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

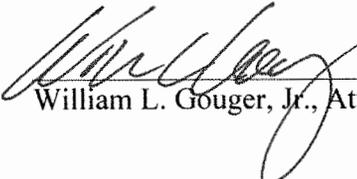
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the second and final reading on the 1<sup>st</sup> day of May, 2025.

  
 Rex Pesnell, Mayor

ATTEST:

  
 Tonia May, Recorder

APPROVED AS TO FORM:

  
 William L. Gouger, Jr., Attorney

First Reading      April 3, 2025

Public Hearing      May 1, 2025

Passed on Second Reading May 1, 2025

**ORDINANCE No. 295**

**AN ORDINANCE OF THE  
TOWN OF KIMBALL, TENNESSEE  
ADOPTING THE ANNUAL BUDGET AND TAX RATE  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2025 AND ENDING JUNE 30, 2026**

WHEREAS, Tenn, Code Ann. § 9-1-116 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 Board will consider final passage of the budget.

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

SECTION 1: That the governing body projects anticipated revenues from all sources and appropriates planned expenditures for each department, board, office or other agency of the municipality, herein presented together with the actual annual receipts and expenditures of the last preceding fiscal year and the estimated annual expenditures for the current fiscal year, and from those revenues and unexpended and unencumbered funds as follows for fiscal year 2026, and including the projected ending balances for the budget year, the actual ending balances for the most recent ended fiscal year and the estimated ending balances for the current fiscal years:

GENERAL FUND	Estimated		
	Actual FY 2024	Actual FY 2025	Budget FY 2026
<b>Revenues</b>			
Local Taxes	\$ 3,091,436	\$ 2,836,414	\$ 2,914,000
Licenses And Permits	39,176	42,170	40,000
Intergovernmental	323,880	292,470	1,465,200
Charges For Services	5,862	5,068	4,950
Fines And Forfeitures	9,800	18,264	14,050
Other	203,784	259,354	120,800
<b>Other Financing Sources</b>			
Issuance of Debt / Debt Proceeds	-	-	-
Sale of Capital Assets	10,000	47,000	-
Transfers In - from other funds	-	-	-
Transfers In - from other funds (PILOT)	-	-	-
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 3,683,938</b>	<b>\$ 3,500,740</b>	<b>\$ 4,559,000</b>
<b>Appropriations</b>			
<b>Expenditures</b>			
Department of Administration	\$ 221,835	\$ 228,254	\$ 230,667
Town Property/Building/Other	177,001	322,420	164,000
Other General Government Expenses	1,144,855	1,035,200	2,509,125
Police Department	802,581	1,313,470	925,291
Fire and Rescue Dpartment	109,589	190,730	897,210
Highways and Streets Department	417,586	369,860	349,290
Sanitation Department	206,935	228,504	248,274
Parks and Recreation Department	114,190	483,315	416,693
<b>Other Financing Uses</b>			
Transfers Out - to other funds	-	-	-
<b>Total Appropriations</b>	<b>\$ 3,194,572</b>	<b>\$ 4,171,753</b>	<b>\$ 5,740,550</b>
<b>Change in Fund Balance (Revenues - Appropriations)</b>	<b>489,366</b>	<b>(671,013)</b>	<b>(1,181,550)</b>
<b>Beginning Fund Balance July 1</b>	<b>4,868,440</b>	<b>5,357,806</b>	<b>4,686,793</b>
<b>Ending Fund Balance June 30</b>	<b>\$ 5,357,806</b>	<b>\$ 4,686,793</b>	<b>\$ 3,505,243</b>
<b>Ending Fund Balance as a % of Total Appropriations</b>	<b>167.7%</b>	<b>112.3%</b>	<b>61.1%</b>
<b>Debt Service paid from General Fund</b>			
<b>Debt Management</b>			
Acct #	Note Principal Paid	\$ -	\$ -
Acct #	Note Interest Paid	-	-
Acct #	Bond Principal Paid	-	-
Acct #	Bond Interest Paid	-	-
Acct #	Loan Agreement Principal Paid	-	-
Acct #	Loan Agreement Interest Paid	-	-
Acct #	Lease Principal Paid	-	-
Acct #	Lease Interest Paid	-	-
	<b>Total Annual Debt Service Payments</b>	<b>\$ -</b>	<b>\$ -</b>

STATE STREET AID FUND	Estimated		
	Actual FY 2024	Actual FY 2025	Budget FY 2026
<b>Revenues</b>			
State Gas and Motor Fuel Taxes	\$ 39,870	\$ 40,373	\$ 39,900
Gas Tax Increase	13,881	13,607	13,800
Interest	298	389	300
<b>Other Financing Sources</b>			
Issuance of Debt / Debt Proceeds	-	-	-
Transfers In - from other funds	-	-	-
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 54,049</b>	<b>\$ 54,369</b>	<b>\$ 54,000</b>
<b>Appropriations</b>			
Public Works Department	\$ 37,132	\$ 46,790	\$ 54,000
Debt Service - Principal and Interest	-	-	-
<b>Total Appropriations</b>	<b>\$ 37,132</b>	<b>\$ 46,790</b>	<b>\$ 54,000</b>
<b>Change in Fund Balance (Revenues - Appropriations)</b>	<b>16,917</b>	<b>7,579</b>	<b>-</b>
<b>Beginning Fund Balance July 1</b>	<b>79,671</b>	<b>96,588</b>	<b>104,167</b>
<b>Ending Fund Balance June 30</b>	<b>\$ 96,588</b>	<b>\$ 104,167</b>	<b>\$ 104,167</b>
<b>Ending Fund Balance as a % of Total Appropriations</b>	<b>260.1%</b>	<b>222.6%</b>	<b>192.9%</b>

DRUG FUND	Estimated		
	Actual FY 2024	Actual FY 2025	Budget FY 2026
<b>Revenues</b>			
Fines And Forfeitures	\$ 464	\$ 580	\$ 500
Other	33	42	30
<b>Other Financing Sources</b>			
Issuance of Debt / Debt Proceeds	-	-	-
Transfers In - from other funds	-	-	-
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 497</b>	<b>\$ 622</b>	<b>\$ 530</b>
<b>Appropriations</b>			
Drug Enforcement	\$ -	\$ -	\$ -
Debt Service	-	-	-
<b>Total Appropriations</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Change in Fund Balance (Revenues - Appropriations)</b>	<b>497</b>	<b>622</b>	<b>530</b>
<b>Beginning Fund Balance July 1</b>	<b>10,184</b>	<b>10,681</b>	<b>11,303</b>
<b>Ending Fund Balance June 30</b>	<b>\$ 10,681</b>	<b>\$ 11,303</b>	<b>\$ 11,833</b>
<b>Ending Fund Balance as a % of Appropriations</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>

SEWER FUND	Actual FY 2024	Estimated Actual FY 2025	Budget FY 2026
<b>Operating Revenues</b>			
Sewer Charges	\$ 196,173	\$ 199,057	\$ 185,000
Tap Fees	-	-	1,000
Grease Trap Fees	6,000	6,600	7,000
Miscellaneous Other Fees	39,288	-	-
<b>Total Operating Revenues</b>	<b>\$ 241,461</b>	<b>\$ 205,657</b>	<b>\$ 193,000</b>
<b>Operating Expenses</b>			
Administrative	\$ -	\$ 500	\$ 1,000
Sewer Department	53,365	47,151	54,000
Other	-	-	-
Depreciation	112,973	110,000	128,000
<b>Total Operating Expenses</b>	<b>\$ 166,338</b>	<b>\$ 157,651</b>	<b>\$ 183,000</b>
<b>Operating Income (Loss)</b>	<b>\$ 75,123</b>	<b>\$ 48,006</b>	<b>\$ 10,000</b>
<b>Nonoperating Revenues (Expenses)</b>			
Revenue: Investment Income	\$ 34,599	\$ 38,450	\$ 27,000
Grants - Operating	-	-	-
Other Income	-	-	-
Expense: Debt Service - Interest Expense			
Other Expense			
<b>Total Nonoperating Revenue (Expenses)</b>	<b>\$ 34,599</b>	<b>\$ 38,450</b>	<b>\$ 27,000</b>
<b>Income (Loss) Before Capital Contributions and Transfers</b>	<b>\$ 109,722</b>	<b>\$ 86,456</b>	<b>\$ 37,000</b>
<b>Capital Contributions and Transfers</b>			
Capital Contributions - Tap Fees in Excess of Cost	\$ -	\$ -	\$ -
Capital Contributions - Grants	-	-	-
Capital Contributions - Other	-	-	-
Transfers In - from Other Funds	-	-	-
Transfers Out - to Other Funds (PILOT)			
<b>Total Capital Contributions and Transfers</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Change in Net Position</b>	<b>\$ 109,722</b>	<b>\$ 86,456</b>	<b>\$ 37,000</b>
<b>Beginning Net Position July 1</b>	<b>3,084,591</b>	<b>3,194,313</b>	<b>3,280,769</b>
<b>Ending Net Position June 30</b>	<b>\$ 3,194,313</b>	<b>\$ 3,280,769</b>	<b>\$ 3,317,769</b>
<b>Statutory Change in Net Position Reconciliation:</b>			
<b>Change in Net Position</b>	<b>\$ 109,722</b>	<b>\$ 86,456</b>	<b>\$ 37,000</b>
<u>Subtract:</u>			
Capital Contributions - Tap Fees in Excess of Cost	\$ -	\$ -	\$ -
Capital Contributions - Grants	-	-	-
Capital Contributions - Other	-	-	-
Grants - Operating	-	-	-
Transfers In - from Other Funds	-	-	-
<b>Total amount subtracted for statutory change</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Statutory Change in Net Position*</b>	<b>\$ 109,722</b>	<b>\$ 86,456</b>	<b>\$ 37,000</b>

SECTION 2: At the end of the fiscal year 2025, the governing body estimates fund balances or deficits as follows:

<b>Fund</b>	<b>Estimated Fund Balance/Net Position at June 30, 2025</b>	
General Fund	\$	4,686,793
State Street Street Aid Fund		104,167
Drug Fund		11,303

SECTION 3: That the governing body herein certifies that there is no debt by the town for this fiscal year.

SECTION 4: During the coming fiscal year (2026) the governing body has pending and planned capital projects with proposed funding as follows:

Pending Capital Projects	Pending Capital Projects - Total Expense	Pending Capital Projects Expense Financed by Estimated Revenues and/or Reserves	Pending Capital Projects Expense Financed by Debt Proceeds
Police Cars/Equipment	\$ 4,033.00	\$ 4,033.00	\$ -
Parks Concessions/Restroom/Office/Storage	\$ 30,844.00	\$ 30,844.00	
<hr/>			
Proposed Future Capital Projects	Proposed Future Capital Projects - Total Expense	Proposed Future Capital Projects Expense Financed by Estimated Revenues and/or Reserves	Proposed Future Capital Projects Expense Financed by Debt Proceeds
ARPA TDEC Grant	\$ 1,100,000.00	\$ 1,100,000.00	\$ -
ARPA TDEC COLLABERATION Grant	\$ 300,000.00	\$ 300,000.00	
Office Equipment	\$ 6,000.00	\$ 6,000.00	
Police Equipment - Radios/Walkies	\$ 135,000.00	\$ 135,000.00	
Fire Grant for Fire Truck	\$ 722,000.00	\$ 722,000.00	
Fire Truck/Other Equipment	\$ 100,000.00	\$ 100,000.00	
Streets/Highway Paving	\$ 100,000.00	\$ 100,000.00	
Parks Soccer Lights	\$ 265,500.00	\$ 265,500.00	
Parks Paving Near Concessions	\$ 34,500.00	\$ 34,500.00	

SECTION 5: No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 (Tenn. Code Ann. § 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 Tenn. Code Ann. § 6-56-205.

SECTION 6: Money may be transferred from one appropriation to another in the same fund in an amount of up to \$1500 by the Mayor, subject to such limitations and procedures as set by the Governing Body pursuant to Tenn. Code Ann. § 6-56-209. Any resulting transfers shall be reported to the governing body at its next regular meeting and entered into the minutes.

SECTION 7: A detailed financial plan will be attached to this budget and become part of this budget ordinance.

SECTION 8: There is hereby levied a property tax of \$0.0853 per \$100 of assessed value on all real and personal property.

SECTION 9: This annual operating and capital budget ordinance and supporting documents shall be submitted to the Comptroller of the Treasury or Comptroller's Designee for approval pursuant to Title 9, Chapter 21 of the Tennessee Code Annotated within fifteen (15) days of its adoption. If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes or as directed by the Comptroller of the Treasury or Comptroller's Designee.

SECTION 10: All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

SECTION 11: All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

SECTION 12: This ordinance shall take effect July 1, 2025, the public welfare requiring it.

Passed 1<sup>st</sup> Reading: May 1, 2025

Public Hearing: June 5, 2025

Passed 2<sup>nd</sup> Reading: June 5, 2025

  
\_\_\_\_\_  
Mayor

ATTESTED:

  
\_\_\_\_\_  
Town Recorder



# CERTIFICATION

I, Tonia May, Recorder/CMFO of the Town of Kimball, Tennessee, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 295 adopted on June 5, 2025, by the governing body of the Town of Kimball, and duly signed by Rex Pesnell, Mayor and by Tonia May, Recorder, on the 6<sup>th</sup> of June, 2025.

Tonia May

Signature

Tonia May - Recorder/CMFO

Name and Title, Printed

6/5/2025

Date



# ORDINANCE NO. 296

## AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET & CAPITAL PROGRAM OF KIMBALL, TENNESSEE FOR FISCAL YEAR 2025-2026

- WHEREAS,** the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;
- WHEREAS,** *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget and capital program ordinance in the same manner as any other ordinance may be amended;
- WHEREAS,** *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;
- WHEREAS,** the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of their source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;
- WHEREAS,** the budget and capital program ordinance is the legal document whereby the governing body appropriates funds and includes additional non-profit organizations to which funds will be appropriated during the fiscal year and thereby gives the legal authority for expenditures of the Town as required by state law;

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

**Section 1:** The following sources will be to amend the budget to accommodate increases and decreases in revenues, expenditures, capital projects and fund balance during the 2025-2026 fiscal year along with the addition of donations:

General Fund	Fund	Beginning Amount	Amendment	Ending Amount
Town Property/Bldg. - Repair and Maint.	41810 265	\$9,000.00	\$9,000.00	\$18,000.00
Town Property/Bldg. - Bldg. Improvements	41810 920	\$0.00	\$55,000.00	\$55,000.00
Other Gen. – Kimball Town Events	41990 287	\$8,000.00	\$2,000.00	\$10,000.00
Other Gen. - Food - Dinners/Christmas	41990 323	\$7,000.00	\$3,000.00	\$10,000.00
Other Gen. - Vehicle Ins.	41990 522	\$33,000.00	\$5,300.00	\$38,300.00
Other Gen. - Office Equipment	41990 940	\$6,000.00	\$5,000.00	\$11,000.00
Hwy & Streets - Drainage Improvements	43100 932	\$0.00	\$10,000.00	\$10,000.00
Parks/Rec - Repair/Maint. Equipment	44700 262	\$0.00	\$8,000.00	\$8,000.00
Parks/Rec - Other Contractual Services	44700 290	\$8,500.00	\$4,000.00	\$12,500.00
Parks/Rec - Operating Supplies	44700 320	\$10,000.00	\$3,000.00	\$13,000.00
Parks/Rec - Facilities	44700 937	\$300,000.00	(\$104,300.00)	\$195,700.00
Public Relations – Fire Rehab Services \$300				

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

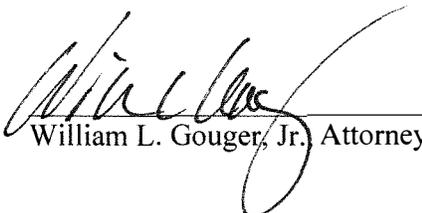
**PASSED AND APPROVED** by the Board of Mayor and Aldermen on the second and final reading on the 4<sup>th</sup> day of September 2025.

  
Rex Pesnell, Mayor

ATTEST:

  
Tonia May, Recorder

APPROVED AS TO FORM:

  
William L. Gouger, Jr., Attorney

First Reading August 7, 2025

Public Hearing September 4, 2025

Passed on Second Reading September 9, 2025

**ORDINANCE NO. 298**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO  
CHANGE PROVISIONS FOR MOBILE HOME PARKS IN THE  
TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the Planning Commission has recommended this amendment to the Kimball Board of Mayor and Aldermen, as described herein; and

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Town of Kimball Board of Mayor and Aldermen conducted a public hearing subject to twenty-one (21) days public notice prior to the final reading and adoption of this ordinance described herein;

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

**Section 1:** Chapter 4 Zoning Districts of the Kimball Zoning Ordinance shall be amended by updating Section 14-404 Specific District Regulations, Subsection A Residential Districts, Section 6 Uses Permitted under the R-2 High Density Residential District, Subsection C as follows:

**Delete:**

e. ~~Mobile home parks subject to the regulations of § 14-404.~~

**Replace:**

c. Mobile home parks subject to the regulations of § 14-1001 Mobile Home Parks in the Kimball Zoning Ordinance.

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**Section 2:** Chapter 4 Zoning Districts of the Kimball Zoning Ordinance, Section 14-404 Specific District Regulations, Subsection A Residential Districts, Section 9 Mobile Home Park Restrictions shall be deleted since this section is being replaced with Chapter 10:

**Delete:**

~~**9. Mobile home park restrictions:**~~

~~a. District description. These guidelines are intended to provide for the development of single family mobile home parks and for mobile home subdivisions. The purpose is two fold: 1) to provide for adequate mobile home parks where mobile home dwellers can rent a mobile home space, and 2) to provide for new platted mobile home subdivisions where mobile home owners can purchase a lot~~

for their home. Mobile home subdivisions will be regulated by the Kimball Subdivision Regulations as to required improvements and approval procedure and by these zoning regulations for dimensional requirements.

b. ~~Uses permitted.~~ Single family mobile homes and customary accessory uses such as storage sheds and car ports.  
~~“Public” parks, playgrounds, and community buildings in Mobile Home Subdivisions.~~

~~“Private” parks, playgrounds, and community buildings in Mobile Home Subdivisions.~~

e. ~~Uses prohibited.~~ All uses not allowed under uses permitted.

d. ~~Regulations for mobile home parks.~~

(1) ~~Permit required.~~ No mobile home park shall be established or maintained by any person unless such person holds a valid mobile home park permit from the Town of Kimball. The permit shall not be issued until the Kimball Municipal Planning Commission has approved the site plan, the Marion County Health Department has approved the water and sewerage plans and other features required by the Tennessee Trailer Court Act, and the Kimball Building Inspector has certified that the mobile park has been developed in accordance to the approved site plan.

(2) ~~Refer to the Kimball Subdivision Regulations.~~

(3) ~~Street requirements.~~ The minimum widths of various private streets within a mobile home park shall comply with the following:

One-way with no on-street parking..... 10 ft. wide;

Two-way with no on-street parking..... 16 ft. wide;

Parallel parking on one side..... 8 ft. additional width;

Parallel parking on two sides..... 16 ft. additional width;

~~The streets shall be constructed in accordance with the requirements in the Kimball Subdivision Regulations.~~

(4) ~~Parking and buffer area.~~ Each mobile home parks shall provide 2 parking spaces per mobile home space. Each parking space shall be at least 9 feet wide by 18 feet. They may be arranged side by side or end to end.

(5) ~~Water supply.~~ Water shall be piped directly to each mobile home space or site. The developer of a mobile home park shall at the development's cost attach to any public water

supply located within 1,000 feet of the proposed park. If such a public water supply is available it shall be used exclusively.

(6) Sewage disposal. Each mobile home park shall provide an adequate disposal system approved in writing by the health officer. Each mobile home space shall be equipped with at least 3-inch sewer connection trapped below the frost line and reaching at least 4 inches above the surface of the ground. All trunk sewer lines shall be laid in trenches separated by at least 10 feet horizontally from any drinking water supply line.

(7) Solid waste collection. The storage, collection, and disposal of refuse within a mobile home park shall be so managed as to create no health hazards. All refuse shall be stored in fly tight, watertight, and rodent proof containers. Garbage and refuse shall be collected and disposed of no less than one a week. Costs associated with the collection and disposal shall be borne by each user.

(8) No mobile home shall be located closer than ten (10) feet from the boundary line of each mobile home space.

e. ~~Regulations for mobile home subdivision.~~ Mobile home subdivisions, if in the city, shall be located on land which is zoned R and shall be developed in accordance with the Subdivision Regulations regarding platting, design, improvements etc. with the following exceptions:

(1) Lot width shall be a minimum of 50 feet.

(2) Lot depth shall be a minimum of 100 feet.

(3) Lot area shall be a minimum of 5,000 square feet with public water and sewage. (Lots without public water and/or sewage shall have a lot area as prescribed by the Marion County Health Department to accommodate wells and/or individual septic tank systems.)

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**Section 3: Chapter 10 Mobile Home Parks of the Kimball Zoning Ordinance shall be amended by deleting the contents of Chapter 10 in its entirety and replacing it as follows:**

**Delete:**

**SECTION**

~~14-1001. To meet state, county, and town regulations.~~

**14-1001. To meet state, county, and town regulations.**

Anyone owning a lot may place a mobile home on it and have all rights to move off and return with no restriction, as long as the lot meets all health and other requirements, and anyone wanting to open a court may do so, by meeting all state, county, and town regulations. (Ord. #29, Dec. 1974.)

**Replace:**

## **CHAPTER 10**

### **MOBILE HOME PARKS**

#### **SECTION**

- 14-1001. Mobile homes outside mobile home parks prohibited.
- 14-1002. Tax stickers required.
- 14-1003. Permit required.
- 14-1004. Inspections by town building inspector.
- 14-1005. Location and planning.
- 14-1006. License required - fees.
- 14-1007. Application for license.
- 14-1008. Minimum size of mobile home parks.
- 14-1009. Minimum mobile home space and spacing.
- 14-1010. Water supply.
- 14-1011. Sewage disposal.
- 14-1012. Refuse.
- 14-1013. Electricity.
- 14-1014. Streets.
- 14-1016. Parking spaces.
- 14-1016. Buffer strip.
- 14-1017. Enforcement.
- 14-1018. Appeals.
- 14-1019. Violation - penalty.

#### **14-1001. Mobile homes outside mobile home parks prohibited.**

After the effective date of the ordinance comprising this section, it shall be unlawful for any single-wide mobile home as defined in Kimball Zoning Ordinance or by any definition found in the International Building Code, to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park.

The owner of any single-wide mobile home not located in a mobile home park, that was already lawfully permitted and placed on a lot on or before the effective date of the ordinance comprising this section will be permitted to reside at the present location. However, if said mobile home is moved from the property upon which it is located as a result of either voluntary or involuntary action on the part of the owner thereof, then any replacement of the structure shall be subject to the allowed use for the zoning district where it was located or as permitted for replacement as specified in Section 14-602 Continuance of Non-Conforming Uses.

#### **14-1002. Tax stickers required.**

No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State Tax Sticker.

**14-1003. Permit required.**

No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless the owner holds a valid permit issued by the town building inspector in the name of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter.

**14-1004. Inspections by town building inspector.**

The town building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The town building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

**14-1005. Location and planning.**

The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants.

**14-1006. License required - fees.**

The following requirements for licenses shall apply to any mobile home park and individual mobile home within the corporate limits of said town.

- (1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the Town of Kimball, any mobile home park unless such person or persons shall first obtain a license therefor.
- (2) Individual mobile homes. It shall be unlawful for any person to maintain an individual mobile home as a dwelling within a mobile home park unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license. An annual license fee shall be required for mobile home parks and individual mobile homes within a park as follows:
  - (a) Mobile home parks. The annual license fee for mobile home parks shall be one-hundred (\$100) dollars.
  - (b) Individual mobile homes in the park. The annual license fee for each mobile home shall be twenty-five (\$25) dollars, which is in addition to the annual license fee to operate the park. The fee for transfer of the license because of change of ownership or occupancy shall be one-hundred (\$100) dollars, but would not require a fee per mobile home until the previous permit has expired.

**14-1007. Application for license.**

- (1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the town building inspector subject to the planning commission's approval of the mobile home park site plan. Application shall be in writing and signed by the applicant

and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
  - (b) Name and address of owner of record;
  - (c) Proposed name of park;
  - (d) North point and graphic scale and date;
  - (e) Vicinity map showing location and acreage of mobile home park;
  - (f) Exact boundary lines of the tract by bearing and distance;
  - (g) Names of owners of record of adjoining land;
  - (h) The locations and parking of each proposed or existing mobile home, its space, and the required parking;
  - (i) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
  - (j) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
  - (k) Provisions for water supply, sewerage and drainage;
  - (l) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and
  - (m) The applications and all accompanying plans and specifications shall be filed in triplicate.
- (2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the town building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:
- (a) The name of the applicant and all people who are to reside in the mobile home;
  - (b) The location and description of the mobile home, make, model and year;
  - (c) The state license number;
  - (d) Further information as may be required by said town to enable it to determine if the mobile home and site will comply with legal requirements; and
  - (e) The application shall be filed in triplicate.

**14-1008. Minimum size of mobile home parks.**

The tract of land designated for the mobile home park shall have a minimum area of two (2) acres. It shall consist of a single, contiguous parcel that is of such size and shape as to allow for efficient design, development, and management of the park. A minimum of ten (10) spaces must be fully developed and ready for occupancy before any units may be occupied.

**14-1009. Minimum mobile home space and spacing.**

(1) Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least twenty-five (25) feet of open space between mobile homes or any attachment such as a garage or porch, and at least ten (10) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway.

- (2) The individual plot sizes for mobile home spaces shall be determined as follows:
- (a) Minimum lot area of two thousand four hundred (2,400) square feet;

- (b) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;
- (c) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen (15) feet; and
- (d) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet.

**14-1010. Water supply.**

All mobile homes must be connected to a public water system, and in no case shall wells be used to provide potable water. Water lines shall be at least six (6) inches in diameter. Fire hydrants shall be required with every mobile home space being no further than 500' from a fire hydrant, and at least one of the hydrants near the entrance to the mobile home park shall be an iHydrant. When more than 3 fire hydrants are required, the water line shall be at least eight (8) inches in diameter. Water shall be furnished at the minimum rate of one hundred twenty-five (125) gallons per day per mobile home space. The mobile home park shall be on one master water meter, and shall purchase water through this one meter. It is up to the mobile home park operator to assess charges to individual mobile homes, and the Town will only bill the park operator for the usage of water for the entire mobile home park.

**14-1011. Sewage disposal.**

All mobile home parks must provide connections to a public sewer system, and no septic tanks shall be permitted in any newly established mobile home park. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the public sewer system involved. The entire cost of installing the entire sanitary sewerage system shall be borne by the park operator or developer.

**14-1012. Refuse.**

The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week.

**14-1013. Electricity.**

Electrical connections shall be as required by the International Code Council (ICC) Residential Code as adopted by the Town of Kimball, and shall be installed as required by Kimball's Building Inspector. All electrical installations shall be in compliance with the National Electrical Code and shall satisfy all requirements of the Sequachee Valley Electric Cooperative (SVEC).

**14-1014. Streets.**

Widths of various streets within mobile home parks shall be:  
 One-way, with no on-street parking.....10 ft.  
 One-way, with parallel parking on one side only. . . 18 ft.  
 One-way, with parallel parking on both sides. . . . 26 ft.  
 Two-way, with no on-street parking .. . . . . 20 ft.

Two-way, with parallel parking on one side only... 28 ft.  
Two-way, with parallel parking on both sides. . . . 36 ft.

Streets shall be constructed to the same standard as public streets with the same materials as required in the Kimball Subdivision Regulations. Drainage tiles must be sized appropriately and shall be at least eighteen (18) inches in diameter and have concrete bulkheads on each end. Adequate drainage must be provided throughout the park, and the Kimball Planning Commission may require the developer to provide engineering plans on stormwater runoff pre- and post-development and necessary mitigation of stormwater runoff.

**14-1015. Parking spaces.**

Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking as well as for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. Where practical, two (2) car spaces shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

**14-1016. Buffer strip.**

An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent other development or properties not a part of the mobile home park.

**14-1017. Enforcement.**

All mobile home parks are subject to general property maintenance codes contained in the Kimball Municipal Code. It shall be the duty of the town building inspector to enforce the provisions of this chapter. Written notice shall be given of any violation to the person or persons responsible for the correction of the condition, and correction shall be made within fifteen (15) days after notification. If the building inspector advises the person or persons responsible for the correction of the condition that the violation in question constitutes an immediate or serious menace to health or safety, such person or persons shall at once correct the menace without further notice. Failure to remove such menace immediately shall be punishable under the general penalty clause for the code. However, such person or persons shall be allowed fifteen (15) days within which to make a permanent correction.

**14-1018. Appeals.**

The Kimball Board of Zoning Appeals (BZA) shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by Kimball BZA (advised by the town attorney) for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Kimball BZA with advice from the town attorney, may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or

determination made by the building inspector. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Kimball BZA and the town attorney may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee.

**14-1019. Violation - penalty.**

Any person who violates the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall be punished under the general penalty clause for this code.

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

PASSED ON FIRST READING: November 6, 2025

PASSED ON FINAL READING: December 4, 2025

  
\_\_\_\_\_

**MAYOR OF KIMBALL, TENNESSEE**

ATTEST:   
\_\_\_\_\_

**TOWN RECORDER**

APPROVED AS TO FORM:

  
\_\_\_\_\_

**TOWN ATTORNEY**

PUBLIC HEARING DATE: December 4, 2025

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

**ORDINANCE NO. 299**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO  
ADD PROVISIONS FOR ACCESSORY DWELLING UNITS  
IN THE TOWN OF KIMBALL, TENNESSEE**

**WHEREAS,** the Town of Kimball, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and

**WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the Kimball Board of Mayor and Aldermen, as described herein; and

**WHEREAS,** pursuant to the requirements of TCA, Section 13-7-203, the Kimball Board of Mayor and Aldermen conducted a public hearing subject to twenty-one (21) days notice prior to the final reading and adoption of this ordinance described herein;

**NOW THEREFORE BE IT ORDAINED,** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee; that the Kimball Zoning Ordinance be amended as follows,

**Section 1: Chapter 3 Definitions of the Kimball Zoning Ordinance, Section 14-302. Definitions is amended with the addition of the terms “Accessory Dwelling Unit, Attached” and “Accessory Dwelling Unit, Detached” to be placed in its proper alphabetical order. The terms shall read as follows:**

**Accessory Dwelling Unit, Attached.** A secondary residential unit attached built as part of the principal structure or customary accessory structure such as a detached garage or workshop. Accessory Dwelling Units are 700 square feet or less.

**Accessory Dwelling Unit, Detached.** A secondary, stand-alone residential unit built on the same lot as a single-family residence. Accessory Dwelling Units are 700 square feet or less.

**Section 2: Chapter 11 Standards for Accessory Dwelling Units shall be added as a new chapter in the Kimball Zoning Ordinance.**

**14-1101. Standards for Accessory Dwelling Units**

1. Intent, Applicability & General Provisions

The intent of this section is to provide regulations for development of Accessory Dwelling Units (ADUs) in a manner which provides for an efficient use of land and provides small-scale infill on lots with single-family dwellings. The intent is also to provide standards which will foster compatibility with surrounding development and reduce impacts of new ADUs on adjacent properties. ADUs

are intended to provide for a larger range of housing options while maintaining residential character of neighborhoods.

#### General Provisions for ADUs

Applications for an ADU must meet certain conditions. No variances or amendments to the following conditions shall be granted.

- a. The property owner must reside in either the principal structure or the ADU.
- b. Only one ADU is allowed per lot in conjunction with a single-family house. ADUs are not allowed in conjunction with a duplex, multi-family dwelling units, or single-wide mobile homes.
- c. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
- d. Only one minor or major home-based business may be conducted as a customary home occupation on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.

#### 2. Zones

Site Built Accessory Dwelling Units shall be permitted in any zone that allows residential uses on any parcel suitable for a single-family dwelling. Manufactured ADUs may be permitted on appeal in the R-1, R-2 or A-1 zones. ADUs may be permitted on appeal in C-2 if there is a single-family home already located on property in these commercial districts. ADUs are not allowed in conjunction with duplexes or any other multi-family housing, and can only be located on properties with an existing single-family home. Only one (1) ADU is permitted on a single lot in conjunction with one single-family home. Single-wide trailers, RVs, campers, tents, and travel trailers are not approved ADUs.

#### 3. Height and Area Regulations

- a. Height: Detached ADUs cannot exceed twenty-four feet or two stories maximum. Attached ADUs must meet existing height restrictions by zone.
- b. Location: Attached ADUs must be incorporated into the main principal dwelling unit or an existing accessory use (such as garage or workshop) in the rear or side yard. Detached ADUs are permitted in the rear and side yards only. ADUs must be located on the same lot as the primary single-family structure.
- c. Size
  - i. Attached ADU: The maximum size of an ADU shall not exceed 30% of the Principal Dwelling Unit or 700 square feet, whichever is less.
  - ii. Detached ADU: The maximum size of a detached ADU is 50% of the principal dwelling unit or 700 square feet, whichever is less. Non-enclosed breezeways connecting with the primary residence are considered detached ADUs.

- iii. The Board of Zoning Appeals can grant an exception to the above if an existing building or residence is being modified.
  - d. Setbacks:
    - i. Front: Accessory Dwelling Units are not permitted in the front yard between the Principal Dwelling Unit and the front property line.
    - ii. Side and Rear setbacks must follow the setback requirements for accessory uses as required by the zoning district.
    - iii. Detached ADUs must be a minimum of five (5) feet from the principal dwelling.
  - e. Lot Coverage: Total lot coverage for the entire lot including the Principal Dwelling Unit and the Accessory Dwelling Unit shall not exceed 30% of the total lot area. The building footprint shall be measured from the outer building wall.
4. Ownership
- a. No more than one Accessory Dwelling Unit shall be permitted on a single lot in conjunction with the Principal Dwelling Unit.
  - b. The Accessory Dwelling unit shall be owned by the same person as the Principal Dwelling Unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal Dwelling Unit. Under no circumstances shall the property be converted into a horizontal ownership regime (timeshare) or a fee simple condominium.
  - c. One of the two dwellings on the property shall be owner occupied. With respect to Accessory Dwelling Units, “owner occupancy” means a property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration, property deed, or similar means and resides at the site more than six months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust. The Building Inspector may waive this requirement for temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences.
5. Health and safety requirements.
- a. Site-built and permanently installed ADUs must meet all standards of the Town of Kimball including any applicable building codes. Manufactured homes must meet the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act, Tennessee Modular Building Act, Tennessee Manufactured Home Installation Act, and National Manufactured Housing Construction and Safety Standards Act of 1974, as may be applicable.
  - b. Plumbing must be connected to an approved subsurface sewage disposal system or public sewer system. Composting toilets, incinerating toilets, and other disposal methods are prohibited. Temporary storage tanks are only allowed in recreational vehicles located within a campground.

- c. Site-installed features such as stairs, decks, handrails, and landings must meet all code requirements of the Town of Kimball.

6. Design

- a. Shipping containers, single-wide trailers, recreational vehicles, campers, and travel trailers shall not be permitted as an Accessory Dwelling Unit upon any lot where an Accessory Dwelling Unit is a permitted use. No structure still on wheels shall be a permitted ADU.
- b. The Accessory Dwelling Unit shall be of a similar architectural design, style, appearance and character of the Principal Dwelling Unit on the lot including but not limited to, matching façade color and building materials; roof form and pitch; and windows. Manufactured ADUs must also meet these requirements.

7. Parking

A minimum of one parking space per dwelling unit must be provided. Any additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements

8. Permit Application

Property owners must apply for a permit to build and install an Accessory Dwelling Unit.

- a. The application shall require architectural drawings and a dimensional floor plan showing cooking, bath and living areas. The drawings must show the inside and outside of the ADU.
- b. The ADU permit must be issued prior to applying for a building permit.
- c. A deed restriction shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
- d. Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted to the building inspector showing the proposed interior and exterior of the ADU.
- e. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. If served by sewer, the ADU must have approval from the Kimball Sewer Department for connection onto the existing sewer tap serving the primary residence on the property. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.

9. Existing ADUs

Legally created accessory dwellings units established prior to the enactment of these regulations may continue to exist and will be regulated by the conditions under which it was approved.

10. Abandonment of an ADU

A property owner may choose to abandon an ADU by meeting the following criteria:

- a. If attached to the principal residence, then access must be established between the housekeeping units without going outdoors to make the ADU an extension of the existing primary residence.
- b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.
- c. Inspections by the Kimball Building Inspector will be required to ensure that all regulations are followed.
- d. An instrument is recorded in the register's office stating that the ADU no longer exists.

**Section 3:** Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

**Section 4:** As required by Tennessee Code Annotated (TCA), § 13-7-203, a public hearing subject to twenty-one (21) days notice was held, and all of the requirements of TCA, §§ 13-7-201 through 13-7-210 have all been complied with, including the approval of all necessary agencies.

**Section 5:** The following ADU form and templates shall be included in the appendix of the Kimball Zoning Ordinance:

## Town of Kimball, Tennessee

### Accessory Dwelling Unit (ADU) Application and Information Packet

Town of Kimball  
675 Main Street, Kimball, TN 37347  
(423) 837-7040

#### ACCESSORY DWELLING UNIT (ADU) APPLICATION

Property Owner:

Property Address: \_\_\_\_\_ City \_\_\_\_\_ State TN Zip \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_ City \_\_\_\_\_ State TN Zip \_\_\_\_\_

Phone (Day): \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

NOTE: Development standards for establishing an Accessory Dwelling Unit (ADU) are set forth in the Town of Kimball Zoning Ordinance. Before completing this application, applicants are strongly encouraged to review these sections and consult with the Regional Planner. This application must be submitted prior to the issuance of a building permit.

#### 1. PROPERTY INFORMATION

Tax Map | Group | Parcel | Subdivision Name (if applicable)

Lot Size: \_\_\_\_\_

Size of proposed ADU (sq. ft.): \_\_\_\_\_

Size of principal residence (excluding garage and utility space): \_\_\_\_\_

Are there existing detached accessory structures on the property?  Yes  No

If yes, total square footage of existing detached accessory structures: \_\_\_\_\_

#### 2. METHOD OF ADU CREATION

Internal conversion/remodel within an existing single-family dwelling

Addition of new square footage to an existing single-family dwelling

Inclusion of an ADU during construction of a new single-family dwelling

Conversion of an existing detached accessory structure

Construction of a new, detached ADU on the same lot as the primary dwelling

#### 3. OWNER OCCUPANCY

Which unit will be owner-occupied?  Principal Dwelling  Accessory Dwelling Unit

**4. DESIGN COMPATIBILITY**

If the ADU is a new addition or detached structure, provide elevation drawings showing how the ADU will match the primary dwelling in materials, colors, window styles, and roof design.

**5. REQUIRED ATTACHMENTS**

A dimensioned site plan showing: lot lines, building footprints (existing and proposed), setbacks, driveways, septic fields, off-street parking, and ADU entrances.

A floor plan showing living, kitchen, and bathroom areas.

Applicant Certification: I certify that the information provided is accurate and that I will comply with all applicable Town of Kimball zoning and building requirements.

Applicant's Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

STAFF USE ONLY: Reviewed/Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

## **ACCESSORY DWELLING UNITS (ADUs) – INFORMATION & REQUIREMENTS**

An Accessory Dwelling Unit (ADU) is a habitable, independent living space added to, created within, or detached from a single-family residence. ADUs must contain complete facilities for living, sleeping, cooking, eating, and sanitation.

ADUs are permitted in designated residential zones in the Town of Kimball provided all standards in the Zoning Ordinance are met. If a proposed ADU does not meet those standards, the application must be reviewed and approved by the Board of Zoning Appeals.

### **Application Process**

1. Submit a completed ADU application and required plans.
2. Provide a notarized and recorded Declaration of Covenant stating that one of the dwelling units will remain owner-occupied.
3. File the signed and recorded Covenant with Kimball Town Hall prior to issuance of a Building Permit.
4. Provide proof of recordation before a Certificate of Occupancy can be issued.

For questions regarding zoning or permitting, contact the Regional Planning Office or Kimball Town Hall.

**DECLARATION OF COVENANT FOR ACCESSORY DWELLING UNIT**

(For recording with the Marion County Register of Deeds)

Return to:

Town of Kimball Town Hall  
675 Main Street  
Kimball, TN 37347

We, the undersigned, are the owners of real property located in Kimball, Tennessee, described as:

Legal Description: \_\_\_\_\_

Street Address: \_\_\_\_\_

We hereby agree to the following covenants and restrictions:

1. One of the two dwelling units (either the principal dwelling or the ADU) shall be owner-occupied as the owner's principal and permanent residence for at least six (6) months of each year.
2. The ADU shall maintain architectural compatibility with the principal dwelling in materials, color, and design.
3. Violation of these conditions or of the Town of Kimball's ADU standards may result in revocation of approval, cessation of occupancy, and removal or conversion of the ADU.
4. Upon transfer of ownership, the seller must inform the buyer of this Covenant and its obligations.

This Covenant runs with the land and remains in effect until released or revoked by the Kimball Municipal Planning Commission.

Dated: \_\_\_\_\_

Owner(s) Name(s) and Signature(s): \_\_\_\_\_

Witness my hand and seal at \_\_\_\_\_, Tennessee, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public: \_\_\_\_\_

**THEREFORE, BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon final reading and passage by the Kimball Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

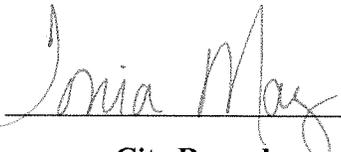
**FIRST READING:** November 6, 2025      Ayes 5      Nays 0

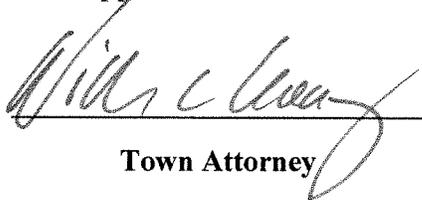
**FINAL READING:** December 4, 2025      Ayes 4      Nays 0



**Mayor**

**Approved as to Form**

**ATTEST**   
**City Recorder**

  
**Town Attorney**

**Date of Public Hearing:** December 4, 2025

A signed copy of this ordinance shall be returned to the Southeast Tennessee Development District to be incorporated in the official Zoning Ordinance for the Town of Kimball.