

CALL TO ORDER

CITIZENS TO ADDRESS THE COMMISSION - None

PUBLIC HEARING REGARDING ZONING

CZ-5-2013: Resolution of the Montgomery County Board of Commissioners Establishing Zone Classifications for Properties of Fort Campbell (Remnant Tracts from State Road 76, Dover Road Relocation)

CZ-6-2013: Application of Neal Harris from AG to E-1

CZO-1-2013: Resolution Amending the Text of the Zoning Resolution of Montgomery County, Tennessee, Relative to Properties without Zoning Designations

RESOLUTIONS

13-8-1: Resolution of the Montgomery County Board of Commissioners to Amend Animal Control Regulations

13-8-2: Resolution of the Governing Body of Montgomery County, Tennessee, Authorizing the Issuance, Sale, and Payment of Highway 12 Land Purchase Capital Outlay Notes, Series 2013 Not to Exceed \$110,000

13-8-3: Resolution of the Montgomery County Board of Commissioners Approving Amendments to the 2013-14 School Budget

13-8-4: Resolution of the Montgomery County Board of Commissioners Expressing Its Intent to Re-Appropriate Funds from the Carmel Elementary School Project to the Pisgah Elementary School Project and for Renovations of the Jostens Facility

13-8-5: Resolution to Affirm & Support “It Can Wait” National Day of Action, and the Nationwide No-Texting-While-Driving Movement

13-8-6: Resolution to Adopt Regulatory Powers Pursuant to Tennessee Code Annotated § 5-1-118(c)(1)

REPORTS

1. Carolyn Bowers – County Mayor Nominations and Appointments

REPORTS FILED

1. Minutes from July 8, 2013
2. TDOT Project Status Report
3. Register of Deeds – Annual Financial Report

ANNOUNCEMENTS

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
ESTABLISHING ZONE CLASSIFICATIONS FOR PROPERTIES OF
FORT CAMPBELL
(REMNANT TRACTS FROM STATE ROAD 76, DOVER ROAD RELOCATION)**

WHEREAS, an application for various zone changes (*see attachments*) has been submitted by C M C Regional Planning Commission and

WHEREAS, said property is identified and described by the following twelve (12) attachments, situated in Civil District 13; and

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 12th day of August, 2013, that the zone classifications for the twelve (12) properties of Fort Campbell remnants of State Road 76, Dover Road relocation (*see attachments*) is hereby approved.

Duly passed and approved this 12th day of August, 2013.

Sponsor 

Commissioner 

Approved _____
County Mayor

Attested: _____
County Clerk

Parcel 1 (proposed zoning classification: AG Agricultural District)

Beginning at a point in the south right-of-way of State Route 76 (Dover Road), said point being 1.19+/- miles west of State Route 76 and Woodlawn Road intersection, said point also being the northwest corner of the Randall Miller property; thence with the west line of Miller South 07 degrees 42 minutes 50 seconds West, 421.57 feet to a point being the northeast corner of the Kelly Tipton property; thence with the north line of Tipton North 83 degrees 05 minutes 16 seconds West, 804.83 feet to a point in the eastern right-of-way of Hooks Lane; thence with the east right-of-way of Hooks Lane and the east line of the Kellie Tipton property North 09 degrees 08 minutes 42 seconds East, 264.04 feet to a point; thence continuing with Tipton North 52 degrees 21 minutes 30 seconds West, 55.51 feet to a point in the south right-of-way of State Route 76; thence with the south right-of-way line of State Route 76 in an easterly direction, 870+/- feet to the point of beginning; containing 6.89+/- acres.

Parcel 2 (proposed zoning classification: AG Agricultural District)

Beginning at a point in the south right-of-way of State Route 76 (Dover Road), said point being 1.39+/- miles west of State Route 76 and Woodlawn Road intersection, said point also being the northwest corner of the Kellie Tipton property; thence with the east line of Tipton South 12 degrees 55 minutes 07 seconds West, 251.77 feet to a point in the north line of Tipton; thence with the north line of Tipton and the north lines of James Hunley and the Charles Hunley property North 82 degrees 06 minutes 10 seconds West, 1227.11 feet to a point in the south right-of-way of State Route 76; thence with the south right-of-way of State Route 76 in a northeasterly direction, 1301+/- feet to the point of beginning; containing 3.41+/- acres.

Parcel 3 (proposed zoning classification: AG Agricultural District)

Beginning at a point in the south right-of-way of State Route 76 (Dover Road), said point being 1782+/- feet east of Woodlawn Church Road and State Route 76 intersection, said point also being in the north line of the James Shelby property; thence with the south right-of-way of State Route 76 in a northeasterly direction, 1127+/- feet to a point, said point being the northwest corner of the James Hunley property; thence with Hunleys west line, South 06 degrees 41 minutes 14 seconds West, 601.83+/- feet to a point in the north line of the James Bryant property; thence with the north line of Bryant and the north property lines of George Wyatt and James Shelby, North 81 degrees 47 minutes 58 seconds West, 964.44 feet to the point of beginning; containing 6.56 +/- acres.

Parcel 4a (proposed zoning classification: AG Agricultural District)

Beginning at a point being the southeast corner of the Old Dover Road and State Route 76 (Dover Road) intersection; thence with the south right-of-way of State Route 76 636+/- feet to a point, said point being the northwest corner of the James Shelby property; thence with Shelby's west line, South 06 degrees 59 minutes 19 seconds West, 501.59 feet to a point in the north right-of-way of Old Dover Road; thence with the north right-of-way of Old Dover Road the following four calls: thence North 80 degrees 44 minutes 08 seconds West, 255/- feet; thence North 35 degrees 44 minutes 08 seconds West, 28.28 feet; thence North 80 degrees 44 minutes 09 seconds West, 55.42 feet; thence along a curve to the right having a radius of 220.44 feet, an arc length 244.18 feet and a chord North 49 degrees 00 minutes 40 seconds West, 231.89 feet to a point; thence along a curve to the right having a radius of 50 feet, an arc length of 78.73 feet and a chord of North 27 degrees 50 minutes 27 seconds East, 70.84 feet to the point of beginning; containing 4.75+/- acres.

Parcel 4b (proposed zoning classification: E-1 Single Family Estate District)

Beginning at a point being the southwest corner of the Old Dover Road and State Route 76 (Dover Road) intersection; thence along a curve to the right have a radius of 50 feet, an arc length of 78.49 feet and a chord of North 61 degrees 58 minutes 02 seconds West, 70.67 feet to a point, said point being in the western right-of-way of Old Dover Road; thence continuing with the western right-of-way of Old Dover Road South 16 degrees 59 minutes 46 seconds East, 0.88 feet to a point; thence continuing with the western right-of-way of Old Dover Road along a curve to the left having a radius of 300.44 feet, an arc length of 141.04 feet and a chord of South 30 degrees 26 minutes 31 seconds East, 139.72 feet to a point in the north right-of-way of Old Dover Road; thence leaving the north right-of-way of Old Dover Road along a new line in a northwesterly direction, 520+/- feet to a point in the south right-of-way of State Route 76; thence with the south right-of-way of State Route 76, North 73 degrees 03 minutes 46 seconds East, 329.22 feet to the point of beginning; containing 1.00 acres.

Parcel 5 (proposed zoning classification: AG Agricultural District)

Beginning at a point in the south right-of-way of State Route 76 (Dover Road), said point being 1550+/- feet east of State Route 76 and Lylewood Road (State Route 233) intersection, said point also being the northwest corner of the First Baptist Church of Woodlawn property; thence with the south right-of-way of State Route 76, 738+/- feet to a point, said point being the northwest corner of the James Shelby property; thence with the west line of Shelby, South 07 degrees 04 minutes 27 seconds West, 564.45 feet to a point, said point being in the north line of the Woodlawn Baptist Church property;

thence with the north line of the Church property, North 70 degrees 23 minutes 24 seconds West, 613.03 feet to the point of beginning; containing 3.66 acres.

Parcel 6a (proposed zoning classification: C-5 Highway and Arterial Commercial District)

Beginning at a point being the southeast corner of State Route 76 (Dover Road) and Lylewood Road (State Route 233) intersection; thence with the south right-of-way of State Route 76 the following six calls: thence North 64 degrees 52 minutes 46 seconds East, 73.04 feet; thence North 62 degrees 25 minutes 00 seconds East, 365.63 feet; thence North 59 degrees 19 minutes 11 seconds East, 239.62 feet; thence North 58 degrees 43 minutes 34 seconds East, 233.82 feet; thence North 63 degrees 53 minutes 27 seconds East, 402.91 feet; thence North 43 degrees 47 minutes 08 seconds East, 54.65 feet to a point, said point being in the north right-of-way of Woodlawn Market Road; thence with the north right-of-way of Woodlawn Market Road and the north property lines of the John Daigle properties in a southwesterly direction, 1225+/- feet, said point being the northwest corner of the John Daigle property; thence with the west line of Diagle, South 07 degrees 04 minutes 02 seconds West, 248.36 feet to a point in the north right-of-way of Woodlawn Road; thence with the north right-of-way of Woodlawn Road along a curve to the right having a radius of 527.72 feet, an arc length of 23.08 feet and a chord of North 25 degrees 50 minutes 10 seconds West, 23.07 feet to a point in the east right-of-way of Lylewood Road (State Route 233); thence with the east right-of-way of Lylewood Road North 20 degrees 09 minutes 57 seconds West, 127.24 feet to a point; thence continuing with the east right-of-way of Lylewood Road along a curve to the right having a radius of 50.00 feet, an arc length of 65.55 feet and a chord of North 19 degrees 48 minutes 01 seconds East, 60.95 feet to the point of beginning; containing 2.58 acres.

Parcel 6b (proposed zoning classification: C-5 Highway and Arterial Commercial District)

Beginning at a point being the southwest corner of the State Route 76 (Dover Road) and Lylewood Road (State Route 233) intersection; thence with the west right-of-way of Lylewood Road along a curve to the right having a radius of 50.00 feet, an arc length of 68.76 feet and a chord of South 69 degrees 21 minutes 48 seconds East, 63.47 feet to a point; thence continuing with the west right-of-way of Lylewood Road, South 29 degrees 58 minutes 04 seconds East, 114.18 feet to a point in the north right-of-way of Woodlawn Road; thence with the north right-of-way of Woodlawn Road in a southwesterly direction, 567+/- feet to a point in the right-of-way of State Route 76; thence leaving the north right-of-way of Woodlawn Road, North 13 degrees 04 minutes 33 seconds West, 110.31 feet to a point in the south right-of-way of State Route 76; thence with the south right-of-way of State Route 76 the following two calls: thence

North 68 degrees 13 minutes 48 seconds East, 304.07 feet; thence North 69 degrees 30 minutes 25 seconds East, 182.63 feet to the point of beginning; containing 1.95 acres.

Parcel 7a (proposed zoning classification: C-5 Highway and Arterial Commercial District)

Beginning at a point being the southeast corner of State Route 76 (Dover Road) and Oakwood Road intersection; thence with the south right-of-way of State Route 76, South 76 degrees 14 minutes 52 seconds East, 617.15 feet to a point; thence continuing with the south right-of-way of State Route 76, South 85 degrees 02 minutes 54 seconds East, 163.03 feet to a point; thence South 03 degrees 30 minutes 17 seconds West, 22.54 feet to a point in the north right-of-way of Oakwood Road; thence with the north right-of-way of Oakwood Road in a southwesterly direction, 800+/- feet to a point in the east right-of-way of Oakwood Road; thence with the east right-of-way of Oakwood Road the following two calls: thence North 29 degrees 01 minute 44 seconds West, 48.71 feet; thence North 15 degrees 23 minutes 03 seconds East, 186.76 feet to the point of beginning; containing 3.11 acres.

Parcel 7b (proposed zoning classification: AG Agricultural District)

Beginning at a point being the southwest corner of the Oakwood Road and State Route 76 (Dover Road) intersection; thence with the west right-of-way of Oakwood Road the following five calls: thence South 21 degrees 23 minutes 07 seconds East, 20.21 feet; thence South 20 degrees 47 minutes 17 seconds West, 147.73 feet; thence South 51 degrees 47 minutes 32 seconds West, 127.47 feet; thence South 77 degrees 07 minutes 49 seconds West, 163.24 feet; thence South 61 degrees 16 minutes 27 seconds West, 34.29 feet to a point in the north right-of-way of Oakwood Road; thence with the north right-of-way of Oakwood Road in a southwesterly direction, 322+/- feet to a point, said point being the southeast corner of the Vicky Edwards property; thence with the east line of Edwards, North 07 degrees 48 minutes 33 seconds East, 577.95 feet to a point in the south right-of-way of State Route 76; thence with the south right-of-way of State Route 76, South 65 degrees 06 minutes 02 seconds East, 429.60 feet to a point; thence continuing with the south right-of-way of State Route 76, South 71 degrees 11 minutes 00 seconds East, 171.28 feet to the point of beginning; containing 5.39 acres.

Parcel 8a (proposed zoning classification: AG Agricultural District)

Beginning at a point being the southeast corner of Palmyra Drive and State Route 76 (Dover Road) intersection; thence with the south right-of-way of State Route 76 the following two calls: thence North 82 degrees 04 minutes 50 seconds East, 365.07 feet; thence North 87 degrees 44 minutes 03 seconds East, 353.19 feet to a point, said point

being the northwest corner of the David Smith property; thence with the west line of Smith, South 06 degrees 55 minutes 36 seconds West, 183.99 feet to a point, said point being the northeast corner of the Ronnie Harrison property; thence with the north line of Harrison, South 86 degrees 12 minutes 27 seconds West, 152.09 feet to a point being Harrison's northwest corner; thence with the west line of Harrison, South 06 degrees 55 minutes 36 seconds West, 476.92 feet to a point in the north right-of-way of Oakwood Road; thence with the north right-of-way of Oakwood Road, North 77 degrees 41 minutes 07 seconds West, 600+/- feet to a point, said point being the northeast corner of the Oakwood Road and Palmyra Drive intersection; thence with the east right-of-way of Palmyra Drive the following three calls: thence North 32 degrees 37 minutes 04 seconds West, 62.89 feet; thence North 06 degrees 52 minutes 47 seconds East, 382.00 feet; thence North 42 degrees 31 minutes 10 seconds East, 31.74 feet to the point of beginning; containing 8.25 acres.

Parcel 8b (proposed zoning classification: AG Agricultural District)

Beginning at a point being the southwest corner of the Palmyra Drive and State Route 76 (Dover Road) intersection; thence with the west right-of-way of Palmyra Drive the following three calls: thence South 39 degrees 23 minutes 01 seconds East, 26.08 feet; thence South 06 degrees 52 minutes 47 seconds West, 345.00 feet; thence South 57 degrees 06 minutes 27 seconds West, 52.04 feet to a point in the north right-of-way of Oakwood Road; thence with the north right-of-way of Oakwood Road the following five calls: thence North 77 degrees 41 minutes 07 seconds West, 587+/- feet; thence North 31 degrees 29 minutes 15 seconds West, 62.79 feet; thence North 78 degrees 13 minutes 56 seconds West, 50.25 feet; thence South 56 degrees 27 minutes 43 seconds West, 62.26 feet; thence North 77 degrees 41 minutes 07 seconds West, 260+/- feet to a point in the south right-of-way of State Route 76; thence with the south right-of-way of State Route 76 the following five calls: thence North 42 degrees 31 minutes 10 seconds East, 31.74 feet; thence South 89 degrees 35 minutes 16 seconds East, 204.51 feet; thence North 82 degrees 03 minutes 17 seconds East, 310.33 feet; thence North 74 degrees 20 minutes 16 seconds East, 227.71 feet; thence North 85 degrees 47 minutes 34 seconds East, 241.25 feet to the point of beginning; containing 5.69 acres.

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
NEAL HARRIS**

WHEREAS, an application for a zone change from AG Agricultural District to E-1 Single-Family Estate District has been submitted by Neal Harris and

WHEREAS, said property is identified as County Tax Map 015, parcel 11.00 p/o, containing 7.00 acres, situated in Civil District 13, located Property fronting on the north side of Webb Rd. 2,400+/- feet east of the centerline of the Webb Rd. and Ironhorse Way intersection.; and


WHEREAS, said property is described as follows:

Beginning at a point in the north right of way of said Webb Rd., said point also being the the southwest corner of the said herein tract described, Thence north 03 degrees 30 minutes 21 seconds east, 400 feet to a point, said point being the northwest corner of the herein described tract; thence south 86 degrees 29 minutes 39 seconds east, 764.84 feet to a point said point being the northeast corner of the herein described tract; thence south 04 degrees 11 minutes 55 seconds west, 400.03 feet to a 1/2" rebar found and capped "Suiter", said rebar being in the said north right of way, of said Webb Rd, said point being the southeast corner of the said Harris Property; thence with said, Webb Rd., north 86 degrees 29 minutes 39 seconds west, 760.00 feet to the point of beginning. said tract containing 7.00 +/- acres (Tax map 015, Parcel 11.00 p/o)

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 12th day of August, 2013, that the zone classification of the property of Neal Harris from AG to E-1 is hereby approved.

Duly passed and approved this 12th day of August, 2013.

Sponsor 
Commissioner 
Approved _____

County Mayor

Attested: _____
County Clerk

**A RESOLUTION AMENDING THE TEXT OF THE ZONING RESOLUTION OF
MONTGOMERY COUNTY, TENNESSEE, RELATIVE TO
PROPERTIES WITHOUT ZONING DESIGNATIONS**

WHEREAS, an application for an amendment to the text of the Montgomery County Zoning Resolution has been filed by the Clarksville-Montgomery County Regional Planning Commission and

WHEREAS, said text amendment is described as follows:

Under Article III Zoning Districts and Maps, add the following new Section.

"SECTION 8 – PROPERTIES WITHOUT ZONING DESIGNATIONS

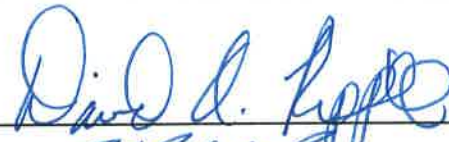
"Whenever lands, parcels or tracts, either in whole or part, do not have a zoning district classification/designation on the official zoning district map of the Montgomery County Zoning Resolution, the zoning designation shall be Agricultural District (AG)."

WHEREAS, the Regional Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

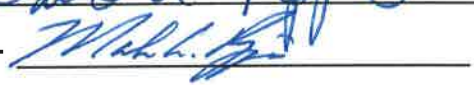
NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session on this 12th day of August, that the zone text amendment is hereby approved.

Duly passed and approved this 12th day of August.

Sponsor



Commissioner



Approved

County Mayor

Attested:

County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS TO AMEND
ANIMAL CONTROL REGULATIONS**

WHEREAS, Montgomery County Animal Control Regulations were passed by the Montgomery County Board of Commissioners on March 14, 2005 pursuant to TCA § 6-2-201 (22) (23) and TCA § 5-1-118, 120 and Resolution 05-3-6; and

WHEREAS, the Animal Control and Adoption Committee recommends that the current *Montgomery County Animal Control Regulations* which were adopted March 14, 2005 and incorporate the amendments adopted September 10, 2007, March 9, 2009, March 8, 2010, and June 11, 2012, a copy of which is attached hereto, be amended on page 5 under the heading **Caring for Animals, (a)** to add: *In temperatures in excess of 75 degrees where direct sunlight is present animals must be afforded proper shaded areas.*

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of August, 2013, that this amendment to the *Montgomery County Animal Control Regulations* is hereby adopted.

Duly passed and approved this 12th day of August, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____
County Clerk

MONTGOMERY COUNTY
ANIMAL CONTROL REGULATIONS (05-3-6)

1. The purpose of these Regulations are to promote the public health, safety and general welfare for the citizens of Montgomery County, Tennessee in its unincorporated areas and to ensure the humane treatment of animals by regulating the care and control of animals within Montgomery County, Tennessee in its unincorporated areas.

2. When used in these Regulations, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Definitions:

(a) *Animal* means any live creature, both domestic and wild, except humans. “Animal” includes fowl, fish and reptiles.

(b) *Animal control officer* means an employee or agent of the County, designated by the County Mayor to administer and enforce the licensing, inspection and enforcement requirements contained within these Regulations.

(c) *Animal hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

(d) *Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

(e) *Animal shelter* means any facility operated by the County or humane society for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the County Mayor or his/her designee to impound, confine, detain, care for or destroy any animal.

(f) *At heel* means a dog is directly behind or next to a person and obedient to that person’s command.

(g) *At large* means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

(h) *Cruelty* means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” shall mean a failure to employ the most humane method reasonably available.

(i) *Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. “Disposition” includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

(j) *Domestic animal* includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

(k) *Enclosures* for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner’s property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door. The enclosure must contain adequate shelter from the weather.

(i) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. The enclosure must contain adequate shelter from the weather. This type of enclosure is not acceptable for a female in heat. An unrestrained dog(s) that attacks a dog restrained by this method may be charged with being a POTENTIALLY and/or DANGEROUS DOG as defined by this resolution.

(ii) Enclosures for POTENTIALLY AND DANGEROUS DOGS shall be a secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. A “**DANGEROUS DOG**” sign prescribed by Montgomery County Animal Control must be posted at the entry to the property.

(l) *Exotic animal* means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

(m) *Guard or attack dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

(n) *Impoundment* means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

(o) *Kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for fee, or selling dogs or cats.

(p) *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(q) *Owner* means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by these Regulations. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

(r) *Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall include, but not be limited to:

(i) Any animal that is repeatedly found running at large;

(ii) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint or otherwise under the owner’s control;

(iii) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

(iv) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(v) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

(vi) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;

(vii) Any animal that chases motor vehicles in a public right-of-way;

(viii) Any animal that attacks domestic animals;

(ix) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(x) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

(s) *Restraint* for all domesticated animals shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.

(i) Any tethering system employed shall not allow the dog or puppy to leave the owners property.

(ii) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(iii) Any chain or tether shall be at least twenty (20) feet in length.

(iv) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(v) Or under an effective, responsive voice command

(t) *Sanitary* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(u) *Under restraint* means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(v) *Vicious or dangerous animal* means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be *prima facie* presumed vicious or dangerous.

(w) *Wild animal* means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, and any hybrid animal that is part wild and captive-bred species of common cage birds.

Nuisances:

It shall be unlawful for any person to keep any animal on any property located within the unincorporated areas of Montgomery County, Tennessee when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

Caring for Animals:

(a) It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary

care when needed to prevent suffering, humane care and treatment, or to unnecessarily and unreasonably expose any such animal in hot, stormy, cold or inclement weather. **In temperatures in excess of 75 degrees where direct sunlight is present, animals must be afforded proper shaded areas.**

(b) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

(c) No person shall offer any live animal, as a prize or reward in connection with any raffle, protest, demonstration, promotion or as an incentive to participate in any game, promotion or otherwise.

(d) No person shall sell, adopt or otherwise give away animals from any location other than their personal residence or business or any location licensed by Montgomery County for such purpose.

(e) Section (d) shall not apply to licensed non-profit pet adoption organizations.

Cruelty to Animals:

(a) It shall be unlawful for any person to willfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away or defend against vicious or trespassing animals.

(b) No person shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this Section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(c) It shall be unlawful to transport or confine an animal in a cruel manner. This shall include transportation of an animal in the bed of a truck that to a reasonable person would be determined a health hazard for the animal.

Restraint and Confinement – Generally:

(a) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the County.

(b) Any dog, while on a street, sidewalk, public way or in any park, Public Square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

(c) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

(d) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(10-3-7)(e) It shall be unlawful for any animal to be confined or restrained to any stationary object for more than one (1) hour. Puppies under six (6) months of age may not be left unattended at any time while tethered. Dogs six (6) months or older, as determined by veterinary records or breeder certificates, may be restrained by means of a trolley system attached to a pulley on a cable run. *Exception:* An in ground fixed point cable system may be used if the system allows 360 degree movement and if the following conditions are met:

(1) Only one dog may be confined or restrained to each cable system.

(2) Choke collars and pinch collars are prohibited for purposes of confining or restraining.

(2) There must be a swivel on at least one end of the restraint to minimize tangling.

(4) The cable run must be at least twenty (20) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level with a swivel on at least one end to minimize entanglement.

(5) The length of the restraint to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to clean water and adequate shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the restraint from extending over an object or edge that could result in injury or strangulation of the dog, and to prevent the restraint from becoming entangled with other objects or animals.

(6) Any dog confined or restrained 24 hours a day 7 days a week must have at least 30 minutes of time spent actively with proper exercise off restraint (by means of leash walking, active play in an enclosed secured area conducive to the dog's size and age) within each 24 hour period.

(a) Any dog confined within a fenced yard or kennel type enclosure must have adequate space for exercise based on a dimension of at least one hundred (100) square feet.

(7) No dog shall be confined or restrained in an area where bare earth is prevalent and no steps have been taken to prevent the area from becoming wet and muddy from precipitation. **(10-3-7)**

Restraint of Guard Dogs:

(a) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure.

(b) The areas of confinement shall have all gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

(c) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

Dangerous Dog Determination (07-9-10)

1. Definitions

For purposes of this section, the term:

(a) "Dangerous dog" means any dog that:

(1) Causes a serious injury to a person or domestic animal; or

(2) Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety as described in paragraph (f) of this section.

(b) "Serious injury" means any physical injury that result in medical attention being rendered by licensed/certified medical personnel.

(c) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 10 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.

(d) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

(e) "Impound" means taken into the custody of the Animal Control Authority or the organization authorized to enforce the dangerous dog law of this jurisdiction.

(f) "Potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(1) Causing an injury to a person or domestic animal that is less severe than a serious injury;

(2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;

(3) Running at large and impounded or owners cited by the Animal Control Authority one (1) or more times within any 12-month period.

(4) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

(g) "Responsible person" means a person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.

2. Determination of a potentially dangerous dog

(a) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Animal Control Authority, the Animal Control Director is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in § 1(f) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after the completion of the investigation.

(b) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee appointed by the mayor by giving written notice of appeal within five (5) days to the Animal Control Director. If there is probable cause to believe that the dog is a potentially dangerous dog and may pose a threat to public safety, the Animal Control Director may obtain a search warrant pursuant to this jurisdiction's Rules of Civil/Criminal Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of § 6. The owner of the dog may be liable to this jurisdiction for the costs and expenses of keeping the dog. The dog will be considered potentially dangerous pending the appeal.

3. Determination of a dangerous dog

(a) After an investigation, which must be initiated within three (3) days after the situation becomes known to the Animal Control Authority, the Animal Control Director is authorized to make a determination whether a dog is dangerous based on the factors listed in § 1(a) and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after completing the investigation.

(b) Following notice to the owner, the owner may appeal the determination to a committee comprised of members of the Montgomery County Animal Control Committee appointed by the mayor by giving written notice of appeal within five (5) days to the Animal Control Director. If there is probable cause to believe the dog to be a dangerous dog and that the animal poses an imminent threat to public safety, the Animal Control Director may obtain a search warrant pursuant to this jurisdiction's Rules of Civil/Criminal Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of § 6. The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog if the dog is determined to be a dangerous dog. The dog will be considered dangerous pending the appeal. If the Montgomery County Animal Control Committee overturns the designation of a dangerous dog, the owner will be refunded the difference in cost between the \$100.00 Dangerous Dog Redemption Fee and the Normal Redemption Fee..

(c) A decision by the committee overturning the Animal Control Director determination shall not affect the Animal Control Director right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

4. Exceptions

No dog shall be declared a dangerous or potentially dangerous dog if:

(a) The dog was used by a law enforcement official for legitimate law enforcement purposes;

(b) The threat, injury, or damage was sustained by a person:

(1) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

(2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(3) Who was committing or attempting to commit a crime; or

(c) The dog was:

(1) Responding to pain or injury, or was protecting itself, its offspring; or

(2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

5. Consequences of a dangerous or potentially dangerous dog determination

(a) If the Animal Control Director determines that a dog is a potentially dangerous dog under § 2, the owner shall comply with the provisions of § 5 and 6(a) (d) and any other special security or care requirements the Animal Control Director may establish.

(b) If the Animal Control Director determines that a dog is a dangerous dog under § 3, the owner shall comply with the provisions of § 5 and 6(b) (c) and any other special security or care requirements the Animal Control Director may establish.

(c) The Animal Control Director may require impoundment of the dog until the owner of the dog has satisfied all the requirements of section 1(c). The requirements must be met within thirty (30) days. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be humanely euthanized on the thirty-first (31) day.

6. Dangerous dog and potentially dangerous dog confinement and handling requirements

(a) The Animal Control Director shall determine if the owner of a potentially dangerous dog has established to the satisfaction of the Animal Control Authority that:

(1) The owner of the potentially dangerous dog is 18 years of age or older;

(2) The potentially dangerous dog has a current rabies vaccination;

(3) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said potentially dangerous dog as described in § 1;

(4) The potentially dangerous dog has been spayed or neutered;

(5) The potentially dangerous dog has been implanted with a microchip containing owner identification information. The microchip information must be registered with the animal control authority of the jurisdiction; and

(b) The Animal Control Director shall determine if the owner of a dangerous dog has established to the satisfaction of the Animal Control Authority that:

(1) The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable;

(2) The owner will maintain the dangerous dog exclusively on the owner's property except for medical treatment or examination; and

(3) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog. The sign shall be very visible from the public roadway or 50 feet, whichever is less.

(c) The Animal Control Director may order the immediate impoundment or humane euthanasia of a dangerous dog if the owner fails to abide by the conditions of confinement or handling of a dangerous dog.

(d) If any dog previously determined to be a potentially dangerous dog has not exhibited any of the behaviors specified in § 1(f) within the eighteen (18) months since the date of the potentially dangerous dog determination, that dog is eligible for a review of the determination by the director and/or his/her designee with the potential for lifting the requirements of this section; provided, however, then that same dog may again be declared a dangerous or potentially dangerous dog if it again exhibits any of the specified behaviors.

7. Dangerous or potentially dangerous dog owner responsibility

It shall be unlawful to:

(a) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person as defined in § 1, muzzled, and restrained by a lead not exceeding four (4) feet in length; The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(b) Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous dog shall be caged or under the control of a responsible person as defined in § 1, muzzled and restrained with a lead not exceeding four (4) feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(c) Fail to notify the Animal Control Authority immediately upon escape if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; within five (5) business days if the dog has died; and within twenty-four (24) hours if the dog has been sold or has been given away. If the dangerous or potentially dangerous dog has been sold or given away, the owner shall also provide the Animal Control Director with the name, address, and telephone number of the new owner of the dangerous or potentially dangerous dog;

(d) Fail to surrender a dangerous or potentially dangerous dog to the Animal Control Director for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous or potentially dangerous dog poses an imminent threat to public safety; or

(e) Fail to comply with any special security or care requirements for a dangerous or potentially dangerous dog the Animal Control Director may have established pursuant to the finding that the dog was potentially dangerous or dangerous.

Property Owners May Impound:

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Department of Animal Control. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

Disposition of Large Animals:

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or other shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the County to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter.

Impoundment:

(a) In addition to any other remedies provided in these Regulations, an animal control officer or a law enforcement officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (i) Any animal at large;
- (ii) Any animal constituting a public nuisance or considered a danger to the public;
- (iii) Any animal that is in violation of any quarantine or confinement order;
- (iv) Any unattended animal that is ill, injured or otherwise in need of care;
- (v) Any animal that is reasonably believed to have been abused or neglected;
- (vi) Any animal that is reasonably suspected of having rabies;
- (vii) Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer or a law enforcement officer determines that there is a threat to public health and safety;
- (viii) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (ix) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(b) An animal control officer or law enforcement officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil monetary penalty of Twenty-Five (\$25.00) Dollars for the first offense and Fifty (\$50.00) Dollars for the second offense. The civil monetary penalties may, at the discretion of the animal owner, be paid to the Animal Control Department within ten (10) days in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, the Animal Control Department shall have the right to proceed to collect unpaid civil monetary penalty as provided in the **Violations and Penalties** section of these Regulations. The third and subsequent offenses shall be prosecuted by misdemeanor citation when appropriate under state law.

Fee Schedule

(a) Effective dates. The fee schedule set forth in this section is the schedule of fees which shall be effective on the first day of the month following the month in which this resolution is adopted. The Director of Montgomery County Animal Control, or other unit of government to which Animal Control may be regulated may submit proposed amendments to this schedule at any time. Any new or revised fees will become effective on the first day of the month following the month in which the amended fee schedule is adopted.

(b) Exemption. No license or permit shall be required for any veterinary hospital, which does not advertise boarding services, municipal animal control facility, law enforcement certified dogs and university operated medical research facility or governmental operated zoological garden.

No license or fee is required of any certified physical assistance dog; documentation of the certification shall be supplied upon request.

(c) Animal control and protection fee schedule.

Redemption's

Dogs and cats under six months.....	\$ 25.00
Altered dogs and cats.....	\$ 25.00
Unaltered dogs and cats.....	\$ 50.00
Quarantined dogs and cats.....	\$ 40.00
Dangerous Dog.....	\$ 100.00 plus board
Vaccination Vouchers Rabies . dogs.....	\$11.00 plus \$ 1.00 county registration
cats.....	\$11.00 plus \$ 1.00 county registration
Boarding Fees.....	dogs.... \$15.00 per day
	cats.....\$10.00 per day
Subsequent offenses increase.....	\$25.00 per offense

Adoption Fees

Puppies, dogs.....	\$ 87.00
Kittens, cats.....	\$ 87.00

As follows:

(ii) Fail to comply with any lawful order of an animal control officer, or law enforcement officer unless such order is lawfully stayed or reversed; or,

(b) A violation of these Regulations shall result in a civil monetary penalty of Fifty (\$50.00) Dollars per violation.

(c) Each day that one or more violations of these Regulations exists or continues to exist shall constitute a separate violation.

(d) If civil monetary penalties remain unpaid more than ten (10) days after notice of violation, the County Attorney is authorized to take appropriate action through the General Sessions Court pursuant to Tenn. Code Ann. § 5-1-123.

Conflicting Regulations:

All other Regulations of Montgomery County, Tennessee that are in conflict with these Regulations are hereby repealed to the extent of such conflict. Notwithstanding anything in these Regulations to the contrary, nothing contained herein shall be construed to prohibit animal control officers or law enforcement officers of Montgomery County, Tennessee to take action consistent with these Regulations or any similar municipal ordinance or state law within the corporate limits of any incorporated municipality in Montgomery County, Tennessee if requested to do so by an appropriate representative of said municipality. Nor shall anything contained herein be construed as a limitation on the authority of any law enforcement officer to enforce the criminal laws of Tennessee regarding the care, treatment and responsibility for animals.

Severability:

The provisions of these Regulations are declared to be severable. If any section, sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of these Regulations, but they shall remain in effect; it being the legislative intent that these Regulations shall remain in effect notwithstanding the validity of any part.

These regulations were adopted March 14, 2005 and incorporate the amendments adopted September 10, 2007, March 9, 2009, March 8, 2010, June 11, 2012, and August 12, 2013.

**RESOLUTION OF THE GOVERNING BODY OF MONTGOMERY COUNTY, TENNESSEE,
AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF HIGHWAY 12 LAND
PURCHASE CAPITAL OUTLAY NOTES, SERIES 2013
NOT TO EXCEED \$110,000**

WHEREAS, the Governing Body of Montgomery County, Tennessee (the Local Government) has determined that it is necessary and desirable to provide funds for the following public works project (the “Project”): purchasing land for the purpose of constructing an EMS Station; and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the “Act”), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the Comptroller of the Treasury or Comptroller’s Designee; and

WHEREAS, the landowner finds that it is advantageous to sell the land to the Local Government in installments and it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners for Montgomery County, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution, and upon approval of the Comptroller of the Treasury or Comptroller’s Designee, to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed one hundred thousand dollars (\$110,000.00) (the “Notes”) at either a competitive public sale or at a private negotiated sale pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated “EMS Station Capital Outlay Notes, Series 2013”, shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination (s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed zero percent (0%) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than ten (10) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least ten (10) years. Provided, however, each year the Notes are outstanding, not less than one-tenth (1/10), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local Government over and above all other taxes authorized by the Local Government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the Chief Executive Officer of the Local Government and the manual signature of the County Clerk with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Accounts and Budgets Department of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the County Trustee of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form authorized by the Comptroller of the Treasury or Comptroller's Designee and shall recite that the Notes are issued pursuant to Title 9, Chapter 21.

Section 8. The Notes shall not be sold until receipt of the Comptroller of the Treasury or Comptroller's Designee's written approval for the sale of the Notes.

Section 9. That, upon the opinion of bond counsel, the Notes may be designated as qualified tax-exempt obligations for the purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That, after the sale of the Notes, the fiscal affairs of the Local Government shall be maintained on a cash basis in order that the current receipts of the Local Government are sufficient to meet current expenditures and debt service. For each year that any of the notes are outstanding, the Local

Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the Comptroller of the Treasury or Comptroller's Designee. The Local Government shall maintain a balanced budget during the life of the notes. The annual budget shall be submitted to the Comptroller of the Treasury or Comptroller's Designee immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) 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. The Local Government shall provide any information required by the Comptroller of the Treasury or Comptroller's Designee to determine that a balanced budget is kept during the life of the notes.

Section 11. That, if any of the Notes shall remain unpaid at the end of ten (10) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the Comptroller of the Treasury or Comptroller's Designee.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this 12th day of August, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

Registered
Note #: _____

United State of America
State of Tennessee
County of Montgomery
Capital Outlay Note, Series 2013

Registered
\$ _____

DATED

INTEREST RATE

MATURITY DATE

_____, 20__

%

_____, 20__

Registered Owner: _____

Principal Sum: \$ _____

The County Commission of Montgomery County, Tennessee (the Local Government) hereby acknowledges itself indebted, and for value received hereby promises to pay to the Registered Owner hereof (named above), or registered assigns, the Principal Sum specified above on the Maturity Date specified above or according to an amortization schedule attached hereto (unless this note shall have been duly called for prior redemption and payment of the redemption price shall have been duly made or provided for), upon presentation and surrender to the Local Government or its agent, and to pay interest on the Principal Sum on _____ and thereafter on _____ of each year at the Interest Rate per annum specified above or according to an amortization schedule attached hereto, by check, draft, or warrant mailed to the Registered Owner at the address of the Registered Owner as it appears on the fifteenth (15th) calendar day of the month next preceding the applicable payment date in the note register maintained by or on behalf of the Local Government. Both principal of and interest on this note are payable at the office of the _____ of the Local Government or a paying agent duly appointed by the Local Government in lawful money of the United States of America.

This note is a direct obligation of the Local Government for the payment of which as to both principal and interest the full faith and credit of the Local Government is pledged.

This note is subject to redemption prior to its stated maturity in whole or in part at any time at the option of the Local Government upon payment of the principal amount of the note together with the interest accrued thereon to the date of redemption with a premium of _____ % of par value.

This note is issued under the authority of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated, and a Resolution duly adopted by the Governing Body of the Local Government meeting in session on the _____ day of _____, 20__ (the "Resolution") to provide funds to finance the cost of public works projects referenced in the Resolution.

This note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the Registered Owner of the note in person or by the Registered Owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent of the note together with a written instrument of transfer satisfactory to the Local Government duly executed by the Registered Owner or the Registered Owner's duly authorized attorney but only in the manner as provided in the Resolution of the Local Government authorizing the issuance of this note and upon surrender hereof for cancellation. Upon the transfer of any such note, the Local Government or its agent shall issue in the name of the transferee a new registered

note or notes of the same aggregate principal amount and maturity as the surrendered note. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date on the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Title 9, Chapter 21, Section 117, Tennessee Code Annotated provides that this note and interest thereon are exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the State, except for inheritance, transfer and estate taxes and except as otherwise provided under the laws of the State of Tennessee.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this note exist, have happened and have been performed in due time, form and manner as required by the Constitution and laws of the State of Tennessee, and that the amount of this note, together with all other indebtedness of the Local Government, does not exceed any constitutional or statutory limitation thereon, and that this note is within every constitutional and statutory limitation.

IN WITNESS WHEREOF, the Governing Body of the Local Government has caused this note to be executed in the name of the Local Government by the manual signature of the _____, and countersigned and attested by the manual signature of the _____ with the Seal of the Local Government affixed hereto or imprinted hereon, and this note to be dated as of the _____ day of 20____.

(Chief Executive Officer)

Attested: _____
(County Clerk)

SEAL

ASSIGNMENT

Note No. R- _____.

Amount: \$ _____.

For value received, the undersigned hereby sells, assigns and transfers unto

(Name and address of assignee)

(Please indicate social security or other tax identifying number of assignee)

The within-mentioned note and hereby irrevocably constitutes and appoints _____, attorney-in-fact, to transfer the same on the note register in the office of the _____ or the agent of the Local Government with full power of substitution in the premises.

Date: _____

Assignor: _____

Address: _____

Signature Guaranteed by: _____

NOTE: The signature as to this assignment must correspond with the name as written on the face of the within note in every particular, without alteration, enlargement or any change whatsoever.

RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS APPROVING
AMENDMENTS TO THE 2013-14
SCHOOL BUDGET

WHEREAS, the proposed amendments to the General Purpose School Fund, Federal Projects Fund, Child Nutrition Fund, Federal Projects Fund, and Transportation Fund Budgets reflect the most recent estimates of revenues and expenditures, and,

WHEREAS, the Clarksville-Montgomery County Board of Education has studied the attached amendments and approved them on July 23, 2013, for recommendation to the Montgomery County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Business Session on this 12th day of August, 2013, that the 2013-14 School Budget be amended as per the attached schedules.

Sponsor  _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

Clarksville-Montgomery County School System General Purpose School Fund Budget

Estimated Revenues

Local Revenues

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
Current Property Tax	29,887,700	29,887,700		29,887,700
Trustees Collection - Prior Years	1,000,000	1,000,000		1,000,000
Interest & Penalties	250,000	250,000		250,000
Payments In Lieu of Taxes (Utility)	797,830	797,830		797,830
Local Option Sales Tax	39,662,700	39,662,700		39,662,700
Wheel Tax	4,124,000	4,124,000		4,124,000
Business Tax	600,000	600,000		600,000
Bank Excise Tax	50,000	50,000		50,000
Interstate Telecommunications Tax	10,000	10,000		10,000
Archives & Records Management Fee	6,300	6,300		6,300
Tuition - Regular Day Students	40,000	40,000		40,000
Criminal Background Fee	30,000	30,000		30,000
Interest Earned	-	-		-
Lease/Rentals	133,116	133,116		133,116
Sale of Materials & Supplies	50	50		50
Sale of Recycled Materials	1,000	1,000		1,000
E-Rate Funding	159,245	159,245		159,245
Misc. Refund - Other	35,000	35,000		35,000
Sale of Equipment	25,000	25,000		25,000
Damages from Individuals	1,000	1,000		1,000
Contributions & Gifts	60,000	60,000		60,000
Total Local Revenues	76,872,941	76,872,941		76,872,941

State Revenues

Transition School To Work	90,000	90,000		90,000
Basic Education Program	120,911,166	120,911,166		120,911,166
Early Childhood Education	1,829,270	1,829,270		1,829,270
Other State Education Funds	30,000	30,000		30,000
Career Ladder Program	620,000	620,000		620,000
Career Ladder Extended Contracts	106,600	106,600		106,600
Income Tax	134,800	134,800		134,800
Mixed Drink Tax	310,000	310,000		310,000
Total State Revenues	124,031,836	124,031,836		124,031,836

Federal Revenues

Educ. of the Handicapped Act	3,416,000	3,416,000		3,416,000
Public Law 874 (Impact Aid)	460,000	460,000		460,000
JROTC	27,000	27,000		27,000
Adult Literacy	-	-		-
Total Federal Revenues	3,903,000	3,903,000		3,903,000

**Clarksville-Montgomery County School System
General Purpose School Fund Budget**

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
Non-Revenue Sources				
Insurance Recovery	25,000	25,000		25,000
Operating Transfers	242,307	242,307		242,307
Total Non-Revenue Sources	267,307	267,307		267,307
Total Revenues	205,075,084	205,075,084		205,075,084

Beginning Reserves and Fund Balance

Reserve for On-The-Job Injury	1,375,218	1,375,218		1,375,218
Reserve for Property & Liability Insurance	1,320,000	1,320,000		1,320,000
Reserve for Extended Contract	146,206	146,206		146,206
Reserve for Career Ladder	(2,714)	(2,714)		(2,714)

Total Reserves	2,838,710	2,838,710		2,838,710
Beginning Fund Balance	17,651,709	17,651,709		17,651,709
Total Reserves and Fund Balance	20,490,419	20,490,419		20,490,419

Total Available Funds	225,565,503	225,565,503		225,565,503
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Clarksville-Montgomery County School System General Purpose School Fund Budget

Expenditures (Appropriations)

2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
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71100 - Regular Instruction

Salaries	74,985,273	74,985,273	1,043,996	76,029,269	Pay Policy
Employee Benefits	25,702,360	25,702,360	173,726	25,876,086	Pay Policy
Contracted Services	2,447,040	2,447,040		2,447,040	
Supplies and Materials	2,142,439	2,142,439		2,142,439	
Other Charges	416,247	416,247		416,247	
Equipment	23,000	23,000		23,000	
Total 71100 - Regular Instruction	105,716,359	105,716,359	1,217,722	106,934,081	

71150 - Alternative School

Salaries	770,668	770,668	7,800	778,468	Pay Policy
Employee Benefits	226,753	226,753	1,297	228,050	Pay Policy
Contracted Services	30,600	30,600		30,600	
Supplies and Materials	3,000	3,000		3,000	
Total 71150 - Alternative School	1,031,021	1,031,021	9,097	1,040,118	

71200 - Special Education

Salaries	16,401,860	16,401,860	185,411	16,587,271	Pay Policy
Employee Benefits	5,706,593	5,706,593	32,805	5,739,398	Pay Policy
Contracted Services	1,408,679	1,408,679		1,408,679	
Supplies and Materials	85,360	85,360		85,360	
Equipment	10,000	10,000		10,000	
Total 71200 - Special Education	23,612,492	23,612,492	218,216	23,830,708	

71300 - Vocational Education

Salaries	3,427,091	3,427,091	40,920	3,468,011	Pay Policy
Employee Benefits	1,148,664	1,148,664	6,763	1,155,427	Pay Policy
Contracted Services	84,000	84,000		84,000	
Supplies and Materials	182,000	182,000		182,000	
Equipment	10,000	10,000		10,000	
Total 71300 - Vocational Education	4,851,755	4,851,755	47,683	4,899,438	

72110 - Student Services

Salaries	578,581	578,581	6,069	584,650	Pay Policy
Employee Benefits	189,491	189,491	1,073	190,564	Pay Policy
Contracted Services	10,125	10,125		10,125	
Supplies and Materials	3,975	3,975		3,975	
Other Charges	6,000	6,000		6,000	
Total 72110 - Student Services	788,172	788,172	7,142	795,314	

Clarksville-Montgomery County School System General Purpose School Fund Budget

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
72120 - Health Services					
Salaries	872,161	872,161	16,250	888,411	Pay Policy
Employee Benefits	345,195	345,195	3,572	348,767	Pay Policy
Contracted Services	700	700		700	
Supplies and Materials	18,045	18,045		18,045	
Equipment	13,000	13,000		13,000	
Total 72120 - Health	1,249,101	1,249,101	19,822	1,268,923	
72130 - Other Student Support					
Salaries	5,683,688	5,683,688	115,364	5,799,052	Pay Policy
Employee Benefits	1,797,301	1,797,301	19,487	1,816,788	Pay Policy
Contracted Services	301,783	301,783		301,783	
Supplies and Materials	1,200	1,200		1,200	
Total 72130 - Other Student Support	7,783,972	7,783,972	134,851	7,918,823	
72210 - Regular Instruction Support					
Salaries	7,389,239	7,389,239	60,228	7,449,467	Pay Policy
Employee Benefits	2,457,342	2,457,342	99,018	2,556,360	Pay Policy
Contracted Services	71,971	71,971		71,971	
Supplies and Materials	536,558	536,558		536,558	
Other Charges	242,086	242,086		242,086	
Total 72210 - Regular Instruction Support	10,697,196	10,697,196	159,246	10,856,442	

Clarksville-Montgomery County School System
General Purpose School Fund Budget

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
72215 - Alternative School Support					
Salaries	20,257	20,257	387	20,644	Pay Policy
Employee Benefits	18,392	18,392	84	18,476	Pay Policy
Total 72215 - Alternative School Support	38,649	38,649	471	39,120	
72220 - Special Education Support					
Salaries	1,627,599	1,627,599	30,916	1,658,515	Pay Policy
Employee Benefits	521,225	521,225	5,241	526,466	Pay Policy
Contracted Services	31,900	31,900		31,900	
Supplies and Materials	82,050	82,050		82,050	
Other Charges	20,500	20,500		20,500	
Equipment	500	500		500	
Total 72220 - Special Education Support	2,283,774	2,283,774	36,157	2,319,931	
72230 - Vocational Education Support					
Salaries	80,633	80,633	1,324	81,957	Pay Policy
Employee Benefits	33,167	33,167	231	33,398	Pay Policy
Contracted Services	400	400		400	
Supplies and Materials	1,000	1,000		1,000	
Other Charges	1,500	1,500		1,500	
Total 72230 - Vocational Education	116,700	116,700	1,555	118,255	
72260 - Adult Education Support					
Salaries	120,715	120,715	1,388	122,103	Pay Policy
Employee Benefits	24,381	24,381	230	24,611	Pay Policy
Total 72260 - Adult Education Support	145,096	145,096	1,618	146,714	

Clarksville-Montgomery County School System General Purpose School Fund Budget

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
72310 - Board of Education					
Salaries	60,951	60,951	579	61,530	Pay Policy
Employee Benefits	14,218	14,218	1,543	15,761	Pay Policy
Contracted Services	222,000	222,000		222,000	
Other Charges	1,928,263	1,928,263		1,928,263	
Liability Insurance	39,085	39,085		39,085	
Total 72310 - Board of Education	2,264,517	2,264,517	2,122	2,266,639	
72320 - Director of Schools					
Salaries	221,424	221,424	1,224	222,648	Pay Policy
Employee Benefits	59,616	59,616	1,684	61,300	Pay Policy
Contracted Services	79,300	79,300		79,300	
Supplies and Materials	5,500	5,500		5,500	
Other Charges	15,000	15,000		15,000	
Total 72320 - Director of Schools	380,840	380,840	2,908	383,748	
72320 - Printing and Communications					
Salaries	367,036	367,036	10,697	377,733	Pay Policy
Employee Benefits	156,030	156,030	2,350	158,380	Pay Policy
Contracted Services	47,570	47,570		47,570	
Supplies and Materials	54,366	54,366		54,366	
Other Charges	12,000	12,000		12,000	
Equipment	6,000	6,000		6,000	
Total 72320 - Printing and	643,002	643,002	13,047	656,049	
72410 - Office of the Principal					
Salaries	11,288,812	11,288,812	177,336	11,466,147	Pay Policy
Employee Benefits	4,115,164	4,115,164	32,109	4,147,273	Pay Policy
Contracted Services	19,230	19,230		19,230	
Other Charges	24,000	24,000		24,000	
Equipment	58,000	58,000		58,000	
Total 72410 - Office of the Principal	15,505,206	15,505,206	209,444	15,714,650	

Clarksville-Montgomery County School System General Purpose School Fund Budget

72510 - Business Affairs

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
Salaries	1,399,926	1,399,926	23,416	1,423,342	Pay Policy
Employee Benefits	559,044	559,044	5,149	564,193	Pay Policy
Contracted Services	203,760	203,760		203,760	
Supplies and Materials	43,200	43,200		43,200	
Other Charges	20,000	20,000		20,000	
Equipment	3,600	3,600		3,600	
Total 72510 - Business Affairs	2,229,530	2,229,530	28,565	2,258,095	

72520 - Human Resources

Salaries	1,009,932	1,009,932	14,896	1,024,828	Pay Policy
Employee Benefits	1,408,774	1,408,774	3,774	1,412,548	Pay Policy
Contracted Services	78,943	78,943		78,943	
Supplies and Materials	38,000	38,000		38,000	
Other Charges	29,285	29,285		29,285	
Equipment	500	500		500	
Total 72520 - Human Resources	2,565,434	2,565,434	18,670	2,584,104	

72610 - Operation of Plant

Salaries	4,683,830	4,683,830	98,120	4,781,950	Pay Policy
Employee Benefits	2,462,232	2,462,232	21,568	2,483,800	Pay Policy
Contracted Services	491,360	491,360		491,360	
Supplies and Materials	436,969	436,969		436,969	
Other Charges	7,000	7,000		7,000	
Equipment	70,000	70,000		70,000	
Utilities	7,724,810	7,724,810		7,724,810	
Insurance Premiums	854,701	854,701		854,701	
Total 72610 - Operation of Plant	16,730,902	16,730,902	119,688	16,850,590	

Clarksville-Montgomery County School System General Purpose School Fund Budget

72620 - Maintenance of Plant

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
Salaries	2,245,194	2,245,194	162,223	2,407,417	Pay Policy
Employee Benefits	1,004,613	1,004,613	35,659	1,040,272	Pay Policy
Contracted Services	1,646,357	1,646,357		1,646,357	
Supplies and Materials	1,192,446	1,192,446		1,192,446	
Other Charges	2,500	2,500		2,500	
Equipment	5,000	5,000		5,000	
Insurance Premiums	21,044	21,044		21,044	
Total 72620 - Maintenance of Plant	6,117,154	6,117,154	197,882	6,315,036	

72810 - Information Technology

Salaries	800,597	800,597	25,783	826,380	Pay Policy
Employee Benefits	257,057	257,057	5,668	262,725	Pay Policy
Contracted Services	2,056,802	2,056,802		2,056,802	
Supplies and Materials	1,517,158	1,517,158		1,517,158	
Other Charges	45,161	45,161		45,161	
Equipment	1,238,825	1,238,825		1,238,825	
Total 72810 - Information Technology	5,915,600	5,915,600	31,451	5,947,051	

73400 - Early Childhood Education

Salaries	1,425,198	1,425,198	21,816	1,447,014	Pay Policy
Employee Benefits	588,773	588,773	3,961	592,734	Pay Policy
Contracted Services	51,000	51,000		51,000	
Supplies and Materials	10,000	10,000		10,000	
Other Charges	20,000	20,000		20,000	
Total 73400 - Early Childhood Education	2,094,971	2,094,971	25,777	2,120,748	

**Clarksville-Montgomery County School System
General Purpose School Fund Budget**

	2013-14 Original Budget	2013-2014 Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
82230 - Debt Service				
Interest Payments	21,000	21,000		21,000
Total 82230 - Debt Service	21,000	21,000	-	21,000
99100 - Interfund Transfers				
Interfund Transfers	829,340	829,340	1,000,000	1,829,340
Total 99100 - Interfund Transfers	829,340	829,340	1,000,000	1,829,340
				Cash flow for competitive grants
Total Expenditures	213,611,783	213,611,783	3,503,134	217,114,917
Ending Reserves and Fund Balance				
Fund Balance	9,106,918	9,106,918	(3,503,134)	5,603,784
On-The-Job Injury Reserve	1,375,218	1,375,218		1,375,218
Property & Liability Insurance Reserve	1,320,000	1,320,000		1,320,000
Extended Contract Reserve	154,335	154,335		154,335
Career Ladder Reserve	(2,751)	(2,751)		(2,751)
Total Reserves and Fund Balance	11,953,720	11,953,720	(3,503,134)	8,450,586
Total Expenditures, Reserves and Fund Balance	225,565,503	225,565,503	-	225,565,503

Clarksville-Montgomery County School System Transportation Fund Budget

Estimated Revenues

	2013-14 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
Local Revenues				
40110 Current Property Tax	1,835,000	1,835,000	-	1,835,000
40120 Trustee's Collection - Prior Years	60,000	60,000	-	60,000
40140 Interest & Penalties	15,000	15,000	-	15,000
40162 Payments In Lieu of Taxes (Utility)	49,000	49,000	-	49,000
40320 Bank Excise Tax	3,000	3,000	-	3,000
44130 Sale of Materials & Supplies	2,500	2,500	-	2,500
44145 Sale of Recycled Materials	3,200	3,200	-	3,200
44170 Misc. Refund - Other	7,000	7,000	-	7,000
44530 Sale of Equipment	40,000	40,000	-	40,000
44560 Damages from Individuals	1,000	1,000	-	1,000
44570 Contributions & Gifts	-	-	-	-
Total Local Revenues	2,015,700	2,015,700	-	2,015,700
State Revenues - BEP				
46511 Basic Education Program	7,519,124	7,519,124	-	7,519,124
Total State Revenues - BEP	7,519,124	7,519,124	-	7,519,124
Federal Revenues				
47143 Educ. of the Handicapped Act	1,282,915	1,282,915	-	1,282,915
47311 Race To The Top	15,000	15,000	-	15,000
Total Federal Revenues	1,297,915	1,297,915	-	1,297,915
Total Revenues	10,832,739	10,832,739	-	10,832,739
Beginning Fund Balance	2,017,578	2,017,578	-	2,017,578
Total Available Funds	12,850,317	12,850,317	-	12,850,317

**Clarksville-Montgomery County School System
Transportation Fund Budget**

Expenditures (Appropriations)

	2013-14 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
72510 - Fiscal Services					
Trustee's Commission	40,000	40,000	-	40,000	
Total 72510 - Fiscal Services	40,000	40,000	-	40,000	
72710 - Transportation					
Salaries	6,614,056	6,614,056	78,977	6,693,033	Pay Policy
Employee Benefits	3,079,476	3,079,476	1,143	3,080,619	Pay Policy
Contracted Services	256,150	256,150	-	256,150	
Supplies and Materials	2,036,550	2,036,550	-	2,036,550	
Other Charges	20,000	20,000	-	20,000	
Equipment	106,947	106,947	-	106,947	
Insurance Premiums	50,999	50,999	-	50,999	
Total 72710 - Transportation	12,164,178	12,164,178	80,120	12,244,298	
Total Expenditures	12,204,178	12,204,178	80,120	12,284,298	
Ending Fund Balance	646,139	646,139	(80,120)	566,019	
Total Expenditures and Fund Balance	12,850,317	12,850,317	-	12,850,317	

Clarksville-Montgomery County School System Child Nutrition Fund Budget

	2013-2014 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Amended Budget
Estimated Revenues				
Local Revenues				
43521	Lunch Payments - Children	2,954,182	-	2,954,182
43522	Lunch Payments - Adults	210,411	-	210,411
43523	Income from Breakfast	146,721	-	146,721
43525	Ala Carte Sales	1,488,741	-	1,488,741
43990	Contract Services	58,016	-	58,016
44110	Interest Earned	7,994	-	7,994
44130	Sale of Materials & Supplies	51,381	-	51,381
44170	Miscellaneous Refund	40,407	-	40,407
44530	Sale of Equipment	5,000	-	5,000
	Total Local Revenues	4,962,853	-	4,962,853
State Revenues - BEP				
46520	School Food Service	125,378	-	125,378
	Total State Revenues	125,378	-	125,378
Federal Revenues				
47111	Section 4 - Lunch Funds	5,867,806	-	5,867,806
47112	USDA - Commodities	663,000	-	663,000
47113	Breakfast Reimbursement	2,434,743	-	2,434,743
	Total Federal Revenues	8,965,549	-	8,965,549
	Total Revenues	14,053,780	-	14,053,780
	Beginning Fund Balance	4,460,587	-	4,460,587
	Total Available Funds	18,514,367	-	18,514,367

**Clarksville-Montgomery County School System
Child Nutrition Fund Budget**

	2013-2014 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Amended Budget	
73100 - Food Service					
Salaries	4,394,719	4,394,719	66,527	4,461,246	Pay Policy
Employee Benefits	2,019,703	2,019,703	5,092	2,024,795	Pay Policy
Contracted Services	506,878	506,878	-	506,878	
Supplies and Materials	6,713,672	6,713,672	-	6,713,672	
Utilities	258,000	258,000	-	258,000	
Insurance Premiums	40,000	40,000	-	40,000	
Other Charges	40,000	40,000	-	40,000	
Equipment	150,000	150,000	-	150,000	
Total 73100 - Food Service	14,122,972.00	14,122,972.00	71,619	14,194,591	

Total Expenditures	14,122,972	14,122,972	71,619	14,194,591
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Ending Fund Balance	4,391,395	4,391,395	(71,619)	4,319,776
Total Expenditures and Fund Balance	18,514,367	18,514,367	-	18,514,367

Clarksville-Montgomery County School System Federal Projects Fund Budget

	2013-14 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
Estimated Revenues				

State Revenues

46590 Adult Ed LEAP, Safe Schools, School Health	610,895	610,895	-	610,895
Total State Revenues	610,895	610,895	-	610,895

Federal Revenues

47120 Adult Basic Education	171,884	171,884	-	171,884
47131 Career Technical Education	397,629	397,629	-	397,629
47141 Title I	9,216,872	9,216,872	-	9,216,872
47143 Individuals w/ Disabilities Educ. Act (IDEA)	5,534,934	5,534,934	-	5,534,934
47145 Preschool (IDEA)	67,623	67,623	-	67,623
47146 English Language Acquisition (Title III)	135,575	135,575	-	135,575
47147 Safe & Drug-Free Schools (Title IV, CCLC)	485,000	485,000	-	485,000
47189 Title II-A	1,046,351	1,046,351	-	1,046,351
47311 Race To The Top	1,495,370	1,495,370	-	1,495,370
47590 Title II-D	-	-	-	-
47990 Other Direct Federal	3,496,798	3,496,798	-	3,496,798
Total Federal Revenues	22,048,036	22,048,036	-	22,048,036

Non-Revenue Sources

49800 Operating Transfers	124,593	124,593	1,000,000	1,124,593
Total Non-Revenue Sources	124,593	124,593	1,000,000	1,124,593

Total Revenues	22,783,524	22,783,524	1,000,000	23,783,524
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Beginning Fund Balance	-	-	-	-
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Total Available Funds	22,783,524	22,783,524	1,000,000	23,783,524
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Clarksville-Montgomery County School System Federal Projects Fund Budget

Expenditures (Appropriations)

	2013-14 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
71100 - Regular Instruction					
Salaries	4,862,844	4,862,844	135,739	4,998,583	Pay Policy
Employee Benefits	1,391,218	1,391,218	4,967	1,396,185	Pay Policy
Contracted Services	590,902	590,902	-	590,902	
Supplies and Materials	924,981	924,981	-	924,981	
Equipment	236,407	236,407	-	236,407	
Total 71100 - Regular Instruction	8,006,352	8,006,352	140,706	8,147,058	
71200 - Special Education					
Salaries	2,026,887	2,026,887	4,495	2,031,382	Pay Policy
Employee Benefits	896,356	896,356	850	897,206	Pay Policy
Contracted Services	5,000	5,000	-	5,000	
Supplies and Materials	25,243	25,243	-	25,243	
Other Charges	79,892	79,892	-	79,892	
Equipment	6,700	6,700	-	6,700	
Total 71200 - Special Education	3,040,078	3,040,078	5,345	3,045,423	
71300 - Vocational Education					
Salaries	50,903	50,903	544	51,447	Pay Policy
Employee Benefits	14,398	14,398	90	14,488	Pay Policy
Contracted Services	4,500	4,500	-	4,500	
Supplies and Materials	49,688	49,688	-	49,688	
Other Charges	11,045	11,045	-	11,045	
Equipment	138,358	138,358	-	138,358	
Total 71300 - Vocational Education	268,892	268,892	634	269,526	
71600 - Adult Education					
Salaries	57,716	57,716	-	57,716	
Employee Benefits	9,540	9,540	-	9,540	
Contracted Services	-	-	-	-	
Supplies and Materials	22,332	22,332	-	22,332	
Equipment	-	-	-	-	
Total 71600 - Adult Education	89,588	89,588	-	89,588	

Clarksville-Montgomery County School System Federal Projects Fund Budget

	2013-14 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget	
72130 - Other Student Support					
Salaries	221,690	221,690	3,877	225,567	Pay Policy
Employee Benefits	66,036	66,036	641	66,677	Pay Policy
Contracted Services	91,191	91,191	-	91,191	
Supplies and Materials	54,799	54,799	-	54,799	
Other Charges	134,315	134,315	-	134,315	
Equipment	2,000	2,000	-	2,000	
Total 72130 - Other Student Support	570,031	570,031	4,518	574,549	
72210 - Regular Instruction Support					
Salaries	2,255,502	2,255,502	(12,687)	2,242,815	Pay Policy
Employee Benefits	623,916	623,916	(7,636)	616,280	Pay Policy
Contracted Services	339,739	339,739	-	339,739	
Supplies and Materials	378,387	378,387	-	378,387	
Other Charges	3,313,062	3,313,062	-	3,313,062	
Total 72210 - Regular Instruction Support	6,910,606	6,910,606	(20,323)	6,890,283	
72220 - Special Education Support					
Salaries	762,347	762,347	7,818	770,165	Pay Policy
Employee Benefits	251,221	251,221	1,466	252,687	Pay Policy
Contracted Services	26,366	26,366	-	26,366	
Supplies and Materials	7,000	7,000	-	7,000	
Other Charges	56,966	56,966	-	56,966	
Total 72220 - Special Education Support	1,103,900	1,103,900	9,284	1,113,184	
Contracted Services	500	500	-	500	
Other Charges	3,500	3,500	-	3,500	
Total 72230 - Vocational Education Support	4,000	4,000	-	4,000	
72260 - Adult Education Support					
Salaries	96,527	96,527	621	97,148	
Employee Benefits	36,885	36,885	102	36,987	
Supplies and Materials	2,000	2,000	-	2,000	
Other Charges	4,179	4,179	-	4,179	
Total 72260 - Adult Education Support	139,591	139,591	723	140,314	

Clarksville-Montgomery County School System Federal Projects Fund Budget

	2013-14 Original Budget	Current Amended Budget	Proposed Increase (Decrease)	Proposed Amended Budget
72410 - Office of the Principal				
Salaries	76,236	76,236	1,274	77,510
Employee Benefits	26,565	26,565	211	26,776
Total 72410 - Office of the Principal	102,801	102,801	1,485	104,286
72610 - Operation of Plant				
Contracted Services	15,200	15,200	-	15,200
Equipment	185,900	185,900	-	185,900
Total 72610 - Operation of Plant	201,100	201,100	-	201,100
72710 - Transportation				
Salaries	1,373,627	1,373,627	(22,775)	1,350,852
Employee Benefits	159,808	159,808	(5,007)	154,801
Contracted Services	500	500	-	500
Supplies and Materials	36,956	36,956	-	36,956
Other Charges	110,300	110,300	-	110,300
Equipment	15,000	15,000	-	15,000
Total 72710 - Transportation	1,696,191	1,696,191	(27,782)	1,668,409
Indirect Cost	525,801	525,801	-	525,801
Transfers To Other Funds	124,593	124,593	-	124,593
Total 99100 - Interfund Transfers	650,394	650,394	-	650,394
Total Expenditures	22,783,524	22,783,524	114,590	22,898,114
Ending Fund Balance	-	-	885,410	885,410
Total Expenditures and Fund Balance	22,783,524	22,783,524	1,000,000	23,783,524

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS EXPRESSING ITS INTENT TO
RE-APPROPRIATE FUNDS FROM THE CARMEL ELEMENTARY SCHOOL PROJECT TO THE
PISGAH ELEMENTARY SCHOOL PROJECT AND FOR RENOVATIONS OF THE JOSTENS FACILITY**

WHEREAS: the Carmel Elementary School construction project was completed in textbook fashion, on time and under budget, realizing \$490,531 in unexpended funds, and;

WHEREAS: the Pisgah Elementary School construction project has experienced several setbacks primarily during the site development with additional costs for significant soil stabilization work and changes directed by the State Fire Marshal after construction commenced, exhausting its contingency account, and;

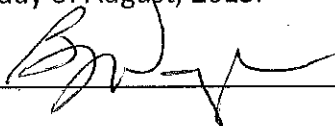
WHEREAS: the Pisgah Elementary School construction project is in need of \$190,531 funds to bring the project back into the black and insure the school is completed to specifications, along with furnishings and equipment needed to be fully operational at the beginning of school, and;

WHEREAS: the Jostens property acquired by CMCSS is in need of renovations to effectively utilize the facility and address both CMCSS and Montgomery County's requirements for warehouse, office space and parking, and;

WHEREAS: re-appropriation of \$300,000 from the Carmel Elementary School project along with CMCSS' labor would enable CMCSS to begin needed renovations to the Jostens building, and;

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of August, 2013 that they express their intent to re-appropriate \$490,531 from the Carmel Elementary School construction project, with \$190,531 being appropriated for the Pisgah Elementary School construction project and \$300,000 being appropriated for the renovations of the Jostens facility.

Duly passed and approved this 12th day of August, 2013.

Sponsor  _____

Commissioner _____

Approved _____

County Executive

Attested _____

County Court Clerk

RESOLUTION TO AFFIRM & SUPPORT “IT CAN WAIT” NATIONAL DAY OF ACTION, AND THE NATIONWIDE NO-TEXTING-WHILE-DRIVING MOVEMENT

WHEREAS, the Tennessee County Services Association (TCSA) holds the health and safety of its teenagers and adults as a chief concern; and

WHEREAS, through ItCanWait.com, Facebook, text-to-pledge, tweet-to-pledge and events, more than 1.5 million people have committed to never text and drive; and

WHEREAS, ninety-eight percent of American commuters know sending a text or email while driving is not safe; and

WHEREAS, nearly fifty percent of commuters text while behind the wheel; and

WHEREAS, more than forty percent of commuters who text while driving reported the activity as being a habit; and

WHEREAS, a Virginia Tech study showed those who send text messages while driving are twenty-three times more likely to crash; and

WHEREAS, a driver that sends a text message while driving not only jeopardizes his or her safety, but also the safety of passengers, pedestrians, and other drivers.

NOW THEREFORE, BE IT RESOLVED, by a majority vote of the Montgomery County Board Commissioners assembled in Regular Session on this 12th day of August, 2013, that Montgomery County does hereby affirm its support of the It Can Wait National Day of Action, the nationwide no-texting-while-driving movement and the proclamation of September 19, 2013, as “No Text On Board – Pledge Day.”

Duly passed and approved this 12th day of August, 2013.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

**RESOLUTION TO ADOPT REGULATORY POWERS PURSUANT
TO TENNESSEE CODE ANNOTATED § 5-1-118(c)(1)**

WHEREAS, the State Legislature has allowed counties to acquire certain regulatory powers granted to all or certain municipalities pursuant to Tennessee Code Annotated (T.C.A.) § 5-1-118(c)(1); and

WHEREAS, with the vast urban growth being experienced in Montgomery County, certain regulatory powers have become vital to the best interests of the citizens; and

WHEREAS, this legislative body declares that it is in the best interest of the health, safety and welfare of the citizens of Montgomery County that this resolution be approved; and

WHEREAS, this resolution requires a two-thirds (2/3) vote for passage pursuant to T.C.A. § 5-1-118(c)(1).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in Regular Session on this 12th day of August, 2013, that Montgomery County adopt the regulatory powers granted pursuant to T.C.A. § 5-1-118(c)(1).

Duly passed and approved this 12th day of August, 2013.

Sponsor

Malik...

Commissioner

Joe T. Cook

Approved

County Mayor

Attest

County Clerk

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*** Current through the 2012 Regular Session ***

Title 5 Counties
Chapter 1 General Provisions
Part 1 Counties Generally

Tenn. Code Ann. § 5-1-118 (2013)

5-1-118. County powers shared with municipalities.

(a) Counties, by resolution of their respective legislative bodies, in addition to other powers authorized by general law or private act, may exercise the following powers granted to all or certain municipalities by the following code sections:

(1) Section 6-2-201(3)-(8), (10)-(13), (18), (19), (26) and (28);

(2) Section 6-54-103;

(3) Section 6-54-110;

(4) Section 6-54-307; and

(5) Sections 6-54-601 -- 6-54-603.

(b) Nothing in this part shall be construed as granting counties the power to prohibit or regulate normal agricultural activities.

*** (c) (1) In addition to those powers granted to counties pursuant to subsection (a), any county may, by adoption of a resolution by a two-thirds (2/3) vote of their respective legislative bodies, exercise those powers granted to all or certain municipalities by § 6-2-201(22) and (23), except as provided in subsection (b) and subdivisions (c)(2) and (3). Any such regulations shall be enacted by a resolution passed by a two-thirds (2/3) vote of the county legislative body. The powers granted to counties in this subdivision (c)(1) apply only within the unincorporated areas. Nothing in this subdivision (c)(1) may be construed to allow any county to prohibit or in any way impede any municipality in exercising any power or authority the municipality may lawfully exercise. If, prior to April 17, 2002, a county has adopted a resolution by a two-thirds (2/3) vote, pursuant to previous acts enacted by the general assembly, to exercise the powers granted in accordance with this subdivision (c)(1), no further action by the legislative body of such county is necessary to continue exercising such powers.

(2) The powers granted by § 6-2-201(22) and (23) shall not apply to those activities, businesses, or uses of property and business occupations and practices that are subject to regulation pursuant to title 57, chapters 5 and 6; title 59, chapter 8; title 60, chapter 1; title 68, chapters 201-221; or title 69, chapters 3, 7, 10 and 11.

(3) All court decisions and statutory laws relating to variances and non-conforming uses applicable to zoning ordinances and land use controls shall apply to the enforcement and exercise of those powers granted pursuant to subdivision (c)(1).

HISTORY: Acts 1995, ch. 264, § 1; 2000, ch. 969, § 1; 2001, ch. 7, § 1; 2002, ch. 627, § 1; 2003, ch. 57, § 1.

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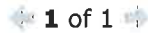
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*** Current through the 2012 Regular Session ***

Title 6 Cities And Towns
Mayor-Aldermanic Charter
Chapter 2 Powers of Municipalities with Mayor-Aldermanic Charter
Part 2 Municipal Authority Generally

Tenn. Code Ann. § 6-2-201 (2013)

6-2-201. General powers.

Every municipality incorporated under this charter may:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided for in this section;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust, and

administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility that is of service to the municipality, its inhabitants, or any part of the municipality, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21;

(12) Grant to any person, firm, association or municipality, franchises for public utilities and public services to be furnished the municipality and those in the municipality. The power to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe, in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the municipality and those in the municipality. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under §§ 7-31-107 -- 7-31-111 and 29-16-114, or any other manner provided by general laws;

(16) (A) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33;

(B) Subdivision (16)(A) may not be construed to prohibit a municipality with a population of not less than seven hundred (700) nor more than seven hundred five (705), according to the 1990 federal census or any subsequent federal census, from installing and maintaining a traffic control signal within its corporate limits, and any such municipality is expressly so authorized;

provided, that no device shall be installed to control traffic on a state highway without the approval of the commissioner of transportation;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through contempt proceedings in accordance with general law;

(28) (A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in title 16, chapter 18, part 3;

(29) Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call elections as provided in this charter;

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated; and

(33) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.

HISTORY: Acts 1991, ch. 154, § 1; 1995, ch. 13, § 4; 1998, ch. 621, § 2; 1998, ch. 1126, § 1; 2006, ch. 796, § 1; 2011, ch. 453, § 1.

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