

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PUBLIC ADVERTISING AND COMPETITIVE BIDDING.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depositories for city funds named; withdrawals therefrom.

5-101. Official depositories for city funds named; withdrawals therefrom. Regions Bank, Bank of Lincoln County, First National Bank of Pulaski, Colonial Bank, AmSouth Bank, U.S. Bank, Union Planters Bank and their successors and Tennessee Local Government Investment Pool are designated as official depositories for all city funds. All checks, drafts, or withdrawals made from the accounts in said depositories shall in addition to the name of the city bear the personal signature of the clerk or assistant clerk and shall be countersigned by the mayor or mayor pro-tem. (1979 Code, § 6-101, as amended by Ord. #2003-5, Aug. 2003)

¹Municipal code reference

Alcoholic beverage privilege tax: title 8, chapter 3.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable.¹ Taxes levied by the municipality against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (1979 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real and personal property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real and personal property taxes³ except that beginning with the real and personal property taxes becoming delinquent on March 1, 1981, and

¹State law references

Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

²Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of 1/2 of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

³Charter and state law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.

subsequent years the penalty and interest shall accrue at the rate of one and one-half percent (1%) for the first month of such delinquency and one and one-half percent (1%) for each additional month that said taxes remain delinquent to a maximum of eighteen percent (18%). (1979 Code, § 6-202)

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-303. Refunds.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1979 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the city clerk to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1979 Code, § 6-302)

5-303. Refunds. The clerk is authorized and empowered to settle and adjust with taxpayers all errors of city business taxes erroneously or illegally collected by the city and to direct the refunding of same. Any claim for such refund of taxes erroneously or illegally paid shall be filed with the clerk supported by proper proof within one (1) year from the date of payment, otherwise the taxpayer shall not be entitled to a refund and said claim for refund shall be barred. (1979 Code, § 6-303)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The city clerk is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1979 Code, § 6-401)

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

CHAPTER 5

PUBLIC ADVERTISING AND COMPETITIVE BIDDING

SECTION

5-501. Amount required increased to a maximum of \$10,000.00.

5-502. Purchasing amount increased requiring no public advertisement of competitive bidding.

5-501. Amount required increased to a maximum of \$10,000.00. The amount required for public advertising and competitive bidding in Tennessee Code Annotated, section 6-56-306 for the City of Fayetteville be increased to a maximum of \$10,000.00. (as added by Ord. #95-17, July 1995 and amended by Ord. #99-3, July 1999)

5-502. Purchase amount increased requiring no public advertisement of competitive bidding. The one thousand dollars (\$1,000.00) purchase amount set out in the Municipal Purchasing Law of 1983 below which no public advertisement or competitive bidding is required is increased to four thousand dollars (\$4,000.00). (as added by Ord. #2006-10, June 2006)