

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. PRIVILEGE TAXES.
3. BUSINESS TAX.
4. PURCHASING.
5. REAL AND PERSONAL PROPERTY TAXES.
6. WHOLESALE BEER TAX.
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CHAPTER 1**MISCELLANEOUS****SECTION**

- 5-101. Official depositories for city funds.
- 5-102. Signatures on checks drawn on city accounts.
- 5-103. Fiscal year.

5-101. Official depositories for city funds. Any financial institution located within Rutherford County or Williamson County is designated to serve as an official depositor of city funds.

5-102. Signatures on checks drawn on city accounts. Checks drawn on city accounts shall be signed by two (2) officers of the city as designated by ordinance or resolution of the city council. (2004 Code, § 5-102)

5-103. Fiscal year. The fiscal year for the city shall begin on July 1 of each year and end on June 30 of the following year. (2004 Code, § 5-103)

¹State law reference

State deposits; Tennessee Code Annotated, title 9, chapter 4, parts 1 and 4; or collateral pool created under Tennessee Code Annotated, title 9, chapter 4, part 5.

CHAPTER 2**PRIVILEGE TAXES****SECTION**

5-201. Tax levied.

5-202. License required.

5-201. 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 doing business or exercising a taxable privilege as provided by said Act, in the City of Eagleville, Tennessee, at the rates and in the manner prescribed by the said Act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (2004 Code, § 5-201)

5-202. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued to each applicant therefore upon the applicant's payment of the appropriate privilege tax. (2004 Code, § 5-202, modified)

CHAPTER 3**BUSINESS TAX****SECTION**

5-301. Refund of overpayment of business tax.

5-301. Refund of overpayment of business tax. The city is authorized to settle and adjust with tax payers all errors and double assessments of city business taxes erroneously collected and to direct the refunding of the same. Any claim for such refund to the city of business tax revenues alleged to have been erroneously paid shall be filed with the city recorder supported by proper proof within one (1) year from date of payment, otherwise the taxpayer shall not be entitled to refund and said claim for refund shall be barred.

In addition, the city is authorized to make refunds without a claim being filed if in possession of proper proof and facts that a refund is due within the period of limitation described above. (2004 Code, § 5-401)

CHAPTER 4

PURCHASING

SECTION

- 5-401. Maximum expenditure without council approval.
- 5-402. Purchases between forty percent and one hundred percent of the public bidding threshold.
- 5-403. Purchases greater than the bidding threshold.
- 5-404. Advertisement for bids.
- 5-405. Bid award.
- 5-406. Emergency purchase.
- 5-407. Exceptions.

5-401. Maximum expenditure without council approval. The city manager is authorized to make a purchase less than the dollar threshold for public advertisement and competitive bidding as set forth in statute or charter (the public bidding threshold), provided sufficient funds are appropriated and available for the purchase. (Ord. #2016-005, May 2016)

5-402. Purchases between forty percent and one hundred percent of the public bidding threshold. A minimum of three (3) written quotes shall be obtained, whenever possible, for the purchase of goods or services projected to exceed forty percent (40%), but be less than one hundred percent (100%), of the public bidding threshold. (Ord. #2016-005, May 2016)

5-403. Purchases greater than the bidding threshold. Public advertisement and competitive bidding shall be required for the purchase of goods and services projected to equal or exceed the public bidding threshold. (Ord. #2016-005, May 2016)

5-404. Advertisement for bids. Whenever an expenditure is proposed to be made at any one time in an amount which in the aggregate will exceed the public bidding threshold, the city manager shall advertise for and shall receive sealed bids for the purpose or purposes for which said expenditure is proposed to be made. A notice of the fact that bids will be received for such purposes shall be advertised in a newspaper of general circulation in the city at least one (1) time and said advertisement shall be made at least ten (10) days prior to the date when bids are received and opened. The advertisement shall give notice to the public of the purpose or purposes for which bids will be received and shall state the time and place when sealed bids will be received and opened. At the time and place specified in the advertisement, the city manager shall publicly open all bids and make the results known to the bidders. The city manager or city council are authorized to reject any and all bids. (Ord. #2016-005, May 2016)

5-405. Bid award. Any bid that exceeds the public bidding threshold shall be presented to the city council for formal award to the lowest responsible bidder. The city reserves the right to reject any and all bids and to waive any irregularities. (Ord. #2016-005, May 2016)

5-406. Emergency purchase. The city manager or city council may dispense with the purchasing requirements of this chapter in the event of an emergency or other circumstance authorized by statute or charter, provided that any actions taken by the city manager shall be reported to the city council not later than the next regular council meeting. (Ord. #2016-005, May 2016)

5-407. Exceptions. Nothing herein shall limit purchases specifically exempted by the Municipal Purchasing Act of 1983. (Ord. #2016-005, May 2016)

CHAPTER 5

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-501. When due and payable.

5-502. When delinquent; penalty and interest.

5-501. When due and payable.¹ Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied.

5-502. When delinquent; penalty and interest.² All real 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 property taxes.³

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. 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.

²State law reference

Tennessee Code Annotated § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of one-half (1/2) of one percent (1%) and interest of one percent (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.

CHAPTER 6**WHOLESALE BEER TAX****SECTION**

5-601. To be collected.

5-601. To be collected. The city recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹

¹State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of seventeen percent (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.

Municipal code references

Alcohol and beer regulations: title 8.

Beer privilege tax: § 8-208.

CHAPTER 7

COLLECTION, PAYMENT PROCESSING

SECTION

5-701. Collections.

5-702. Electronic payment.

5-703. Returned/rejected payment.

5-701. Collections. In accordance with Tennessee Code Annotated, § 40-24-105(e)(1), the city may, at its discretion, and following appropriate procurement procedures, procure a collection agency to proceed in the collection of any payments that are more than sixty (60) days past due and for which any legally required notice has been provided. A fee of forty percent (40%) or the maximum allowed in Tennessee Code Annotated, § 40-24-105(e)(2) shall be added to the amount payable in order that the city may recover its due payment. (Ord. #2014-09, Nov. 2014)

5-702. Electronic payment. Should the city offer electronic payment options (debit card, credit card, electronic check, or similar) for certain services, a processing and convenience fee not to exceed five percent (5%) shall be added to any transaction for the purpose of covering any cost incurred for the processing of the transaction. The city manager may establish a minimum transaction amount for electronic payments when associated fees would result in a loss to the city as a result of the transaction. The additional fee charged shall be posted anywhere payment options are displayed or posted, shall be disclosed at the time of a transaction, and shall be identified on the receipt provided. Any procedures regarding electronic payment shall be in compliance with Tennessee Code Annotated, § 9-1-108(c)(1) et seq. (Ord. #2017-009, June 2017)

5-703. Returned/rejected payment. A charge of thirty dollars (\$30.00) or one percent (1%) of the amount of the check, whichever is greater, shall be assessed against the maker or drawer of any check not paid because the maker or drawer did not have an account with or sufficient funds on deposit with the financial institution, or the draft, check, or order has an incorrect or insufficient signature thereon. Likewise, in accordance with Tennessee Code Annotated, § 9-1-108, any returned/rejected payments paid with credit or debit cards shall be assessed the same fee as that assessed to returned checks. Returned/rejected electronic payments are those that are rejected after such time that a transaction was receipted. (Ord. #2017-009, June 2017)