

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

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CHAPTER 1**MISCELLANEOUS****SECTION**

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5-101. Official depository for town funds. Bancorp South is hereby designated as the official depository of funds for the Town of Nolensville. (2002 Code, § 5-101, modified)

5-102. Fiscal year. The fiscal year of the town is hereby fixed and determined to commence on the first day of July of each year. (2002 Code, § 5-102)

5-103. Capital improvement fund. (1) The Town of Nolensville hereby establishes a capital improvements program, which shall include planned infrastructure improvements and other capital expenditures intended to last for more than one (1) year and having anticipated costs in excess of twenty-five thousand dollars (\$25,000.00).

(2) Vehicles shall not be included as line items in the capital improvements program, except those acquired for public works and fire services, intended to last for more than one (1) year, and having anticipated costs in excess of twenty-five thousand dollars (\$25,000.00).

¹Charter references

For specific charter provisions on depositories of municipal funds, see *Tennessee Code Annotated*, § 6-4-402.

(3) Major repairs to a town asset that are intended to extend the life of the asset for more than one (1) year and which have anticipated costs in excess of twenty-five thousand dollars (\$25,000.00) shall qualify as capital expenditures and shall be included in the capital improvements program.

(4) The board of commissioners shall have final authority in selecting infrastructure improvements and other capital expenditures to be included in the capital improvements program and in prioritizing such projects.

(5) A capital improvements fund is hereby established.

(6) The capital improvements fund shall be funded by an initial transfer of four million dollars (\$4,000,000.00) from the general fund. Annual funding shall be allocated by the board of commissioners in an amount determined by the board.

(7) The board of commissioners shall have the authority to finance the capital improvements program by incurring debt, issuing municipal bonds, or levying taxes, fees, or special assessments, pursuant to *Tennessee Code Annotated*, § 6-19-101, and as otherwise allowed by state law and the city manager-commission charter. (Ord. #20-29, Oct. 2021)

CHAPTER 2**ADEQUATE FACILITIES TAX****SECTION**

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5-201. Short title. This chapter shall be known and cited as the Town of Nolensville Adequate Facilities Tax. (2002 Code, § 5-201)

5-202. Purpose. It is the intent and purpose of this chapter to authorize the governing body of the Town of Nolensville to impose a tax on new development within the municipality, payable at the time of issuance of a building permit, so as to ensure and require that the person responsible for new development share in the cost of public facilities necessary to serve the residents of Nolensville. (2002 Code, § 5-202)

5-203. Findings. The Town of Nolensville hereby finds and declares that:

(1) Williamson County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville.

(2) Anticipated continued growth from the expansion of Nashville and Williamson County is expected to accelerate due to the continuing location of commercial businesses and families in the middle Tennessee area, and from other factors.

(3) Current projections show that:

(a) County population will be one hundred forty-five thousand four hundred (145,400) persons in the year 2010, an increase of fifty-five percent (55%) from 1990; there will be a demand for additional dwelling units between 1990 and 2010; and new residential and non-residential

development will consume an additional number of acres of land in Williamson County and Nolensville.

(b) The projected growth and land use development within these municipalities will cause a demand for municipal capital facilities (roads, parks, town governmental facilities, etc.) over the next fifteen (15) years. Anticipated revenue increases required will be fifty thousand dollars (\$50,000.00) for 1999, eighty-five thousand dollars (\$85,000.00) for 2000, one hundred twenty thousand dollars (\$120,000.00) for 2001, one hundred twenty thousand dollars (\$120,000.00) for 2002, ninety thousand dollars (\$90,000.00) for 2003, and sixty thousand dollars (\$60,000.00) for 2004.

(4) The municipality is committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided.

(5) The municipality is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the municipality.

(6) The municipality's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development.

(7) The municipality has adopted by resolution a capital improvements program indicating the need for, and the cost of public facilities anticipated to be funded, in part, by this tax.

(8) Due to these unique circumstances, it is necessary and appropriate that the Town of Nolensville utilize the authority granted by the Legislature of the State of Tennessee to impose an adequate facilities tax on the privilege of engaging in the business of development.

(9) The tax herein imposed is in compliance with chapter 100, Tennessee Private Acts of 1997. (2002 Code, § 5-203)

5-204. Authority. This chapter is imposed under the charter powers of the Town of Nolensville, Tennessee, and under the authority conferred on the municipality to levy an adequate facilities tax on the privilege of engaging in development by chapter 100, Tennessee Private Acts 1997. (2002 Code, § 5-204)

5-205. Definitions. As used in this chapter, unless a different meaning appears from the context:

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. This term will not pertain to buildings used for agricultural purposes.

(2) "Building permit" means a permit for development issued in the Town of Nolensville.

(3) "Capital improvement program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(4) "Certificate of occupancy" means a license for occupancy of a building or structure issued in the Town of Nolensville.

(5) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure, or the addition to any building or structure, or any part thereof, which provides, adds to, or increases the floor area of a residential or non-residential use.

(6) "Dwelling unit" means a room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(7) (a) "Floor area for non-residential development" means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings, or the centerlines of a party wall separating such building, or portions thereof, or within lines drawn parallel to, and two feet (2') within, the roof line of any building, or portions thereof, without walls but excluding arcades, porticos, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services, or production areas.

(b) "Floor area for residential development" means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.

(8) "General plan" means the official statement of the municipal planning commission which sets forth major policies concerning the future development of the jurisdictional area and meeting the provisions set forth in *Tennessee Code Annotated*, §§ 13-3-301, 13-3-303, and 13-4-302. For the purposes of this chapter only, a "general plan" may consist solely of the land development plan element which sets out a plan or scheme of future land usage.

(9) "Governing body" means the municipal governing body of the Town of Nolensville.

(10) "Major street or road plan" means the plan adopted by the municipal planning commission, pursuant to *Tennessee Code Annotated*, §§ 13-4-401 and 13-4-302, showing, among other things, "the general location,

character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways."

(11) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(12) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(13) "Place of worship" means that portion of a building owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings, or portions of buildings, which are used for purposes other than for worship and related functions, or which are, or are intended to be, leased, rented or used by persons who do not have tax-exempt status.

(14) "Public buildings" means a building owned by the State of Tennessee, or any agency thereof, a political subdivision of the State of Tennessee, including, but not necessarily limited to, counties, cities, school districts and special districts, or the federal government, or any agency thereof.

(15) "Public facility or facilities" means a physical improvement undertaken by the county or town, including, but not limited to, the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other government capital improvements benefitting the citizens of the county and/or town.

(16) "Residential" means the development of any property for a dwelling unit or units. (2002 Code, § 5-205)

5-206. Tax levy. There is hereby levied a tax on each person engaging in the business of development in the municipality, which tax is to be paid at the time of application for a building permit for development, as provided in § 5-209.

Tax Rate Schedule

New residential development	\$1.00 per gross square foot of floor area
New non-residential development	\$2.00 per gross square foot of floor area

(2002 Code, § 5-206)

5-207. Prohibition on issuance of building permit. No building permit for development shall be issued within the municipality unless the tax has been paid in full to the municipality, as provided in § 5-209. (2002 Code, § 5-207)

5-208. Exemptions from tax. No tax shall be assessed or collected for the development of:

- (1) Public buildings;
- (2) Places of worship;
- (3) Barns or outbuildings used for agricultural purposes;
- (4) Replacement structures for previously existing structures destroyed by fire or other disaster;
- (5) Additions to a single-family dwelling;
- (6) A structure owned by a non-profit corporation which is a qualified § 501(c)(3) corporation under the Internal Revenue Code, being U.S.C. § 501(c)(3);
- (7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure; provided that the permanent structure is a residence for the owner and occupant of the mobile home, and that owner and occupant has resided on the property for a period of not less than three (3) years; and/or
- (8) Buildings which either have previously had a privilege tax paid upon them, or which have been continuously occupied by the individual(s) making application for three (3) years immediately preceding the date of application for a building permit, and which are moved from on site within the municipality to another site within the municipality; provided that no new building replaces the building moved. If a new building is to be placed on the site, then the person(s) having:
 - (a) Paid the privilege tax for the building which originally occupied the site; or
 - (b) Otherwise qualified in accordance with provisions herein for exemption from paying the privilege tax, will be given first right to the exemption. Payment of the privilege tax would take precedence. The other building would then be required to pay the privilege tax. (2002 Code, § 5-208, modified)

5-209. Collection of tax. (1) Each applicant for a building permit for development, as herein defined, shall state, on a form provided by the municipality, the proposed use (residential or non-residential) and the amount of gross square footage of floor area contained in the development for which the permit is sought.

(2) The municipal official designated in the administrative guidelines shall calculate the tax due on the development and collect such tax prior to acceptance of the application for the permit.

(3) In its sole discretion, the municipality may permit a person engaging in the business of development to defer payment of the tax due until the time for issuance of the building permit. (2002 Code, § 5-209)

5-210. Use and segregation of tax funds. All tax funds collected within the municipality, as authorized herein, shall be deposited and accounted for in a special revenue or capital projects fund, and shall be used for the purpose of public facilities to serve the residents of the municipality. (2002 Code, § 5-210)

5-211. Authority to amend. The municipality may, from time to time, amend the tax herein imposed on development, based upon adoption of a revised capital improvements program. (2002 Code, § 5-211)

5-212. Protest of tax. Any person aggrieved by the decision of the municipal building official, or other responsible official, concerning any aspect of chapter 100, Tennessee Private Acts of 1997 or this chapter may obtain a review of the official's decision in the manner provided in said act. (2002 Code, § 5-212)

5-213. Additional authority. The authority to impose this privilege tax on new developments within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (2002 Code, § 5-213)

5-214. Non-repealer. The provisions of this chapter shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Nolensville. Chapter 100, Private Acts of 1997 and this chapter shall be deemed to create an additional and alternative method for the municipality to impose and collect taxes for the purpose of providing public facilities within the municipality. (2002 Code, § 5-214)

CHAPTER 3

PURCHASING

SECTION

- 5-301. Purchasing agent.
- 5-302. General procedure for bidding.
- 5-303. Rejection of bids.
- 5-304. Conflict of interest.
- 5-305. Purchasing from employee.
- 5-306. Sealed bid requirements \$10,000.00 or greater.
- 5-307. Competitive bidding \$10,000.00 or greater.
- 5-308. Purchases and contracts costing less than \$10,000.00.
- 5-309. Record of bids.
- 5-310. Considerations in determining bid awards.
- 5-311. Emergency purchases.
- 5-312. Waiver of the competitive bidding process.
- 5-313. Goods and services exempt from competitive bidding.
- 5-314. Purchase orders required for every purchase.
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- 5-317. Employee participation in disposal of surplus property.
- 5-318. Surplus property: items estimated to have monetary value.
- 5-319. Surplus property: town identification removed prior to sale.
- 5-320. Sale of dangerous property.
- 5-321. Additional forms and procedures.

5-301. Purchasing agent. In accordance with *Tennessee Code Annotated*, § 6-19-104(a), the town manager shall be the purchasing agent for the municipality. The town manager shall have the ability to delegate this role. The purchasing agent shall be responsible for the enforcement of the procedures hereby adopted. Except as otherwise provided in this policy, all supplies, materials, equipment, and services of any nature shall be assigned a purchase order number and verified to see that all requirements for purchase have been completed. Once such requirements have been verified, the purchase may be approved and acquired by the purchasing agent. (Ord. #20-40, Jan. 2021)

5-302. General procedure for bidding. The following procedures shall be followed by all town employees when purchasing goods or services on behalf of the town.

- (1) Items expected to cost more than \$10,000.00. (a) The department head of the using department shall deliver to the purchasing agent a written purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased,

specifications for the item being purchased, the estimated cost of the items, and shall indicate whether the item(s) have been approved in the annual budget.

(b) The purchasing agent shall review the purchase request for completeness and accuracy as required by this chapter. The request shall then be forwarded to the board of commissioners ("the board") for final review and approval. The board shall have the authority to adjust or eliminate various specifications for goods and services, or may disapprove the purchase request, to comply with town policy, the annual budget, or for any other reason it deems in the public interest.

(c) All approved purchase requests shall be signed by the mayor and returned to the purchasing agent who shall proceed with procurement in compliance with this chapter.

(2) Items expected to cost less than \$10,000.00. (a) The department head of the using department shall deliver to the purchasing agent a written purchase request for the item(s) to be purchased. Such request shall include a brief description of the item(s) to be purchased, specifications for the item(s) being purchased, the estimated cost of the item(s), and shall indicate whether the item(s) have been approved in the annual budget.

(b) The purchasing agent shall review the purchase request for completeness and accuracy. Upon determining the matter is routine and has insubstantial long-term consequences, the purchasing agent may approve the purchase. Otherwise the purchasing agent shall direct the item to the board for review and approval.

(c) All approved purchase requests shall be signed and returned to the purchasing agent, who shall proceed with procurement in compliance with this chapter. (Ord. #20-40, Jan. 2021)

5-303. Rejection of bids. The purchasing agent shall have the authority to reject any and all bids, parts of bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent shall not accept the bid of a vendor or contractor who is in default on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the town by said vendor or contractor. (Ord. #20-40, Jan. 2021)

5-304. Conflict of interest. All employees who participate in any phase of the purchasing function are to be free of interests or relationships which are actually or potentially hostile or detrimental to the best interests of the Town of Nolensville, and shall not engage in, or participate in, any commercial transaction involving the town, in which they have a significant interest. (Ord. #20-40, Jan. 2021)

5-305. Purchasing from employee. It shall be the policy of the town not to purchase any goods or services from any employee, or close relative of any town employee, without the prior approval of the board of commissioners. (Ord. #20-40, Jan. 2021)

5-306. Sealed bid requirements \$10,000.00 or greater. (1) On all purchases and contracts estimated to be in excess of ten thousand dollars (\$10,000.00), except as otherwise provided in this chapter, formal sealed bids shall be submitted at a specified time and place to the purchasing agent. The purchasing agent shall submit all such bids for award by the board of commissioners at the next regularly scheduled board meeting or special-called meeting, together with the recommendation as to the lowest responsive bidder.

(2) Notice inviting bids shall be published at least once in a newspaper of general circulation, and at least five (5) days preceding the last day to receive bids. The newspaper notice shall contain a general description of the article(s) to be secured, and the date, time, and place for opening bids.

(3) In addition to publication in a newspaper, the purchasing agent may take other actions deemed appropriate to notify all prospective bidders of the invitation to bid, including, but not limited to, advertisement in community bulletin boards, metropolitan newspapers, professional journals, and electronic media. (Ord. #20-40, Jan. 2021)

5-307. Competitive bidding \$10,000.00 or greater. (1) All purchases of supplies, equipment, services, and contracts estimated to be in excess of ten thousand dollars (\$10,000.00) shall be by competitive bidding and may be awarded to the lowest responsive bidder.

(2) A written record shall be required and available for public inspection showing that competitive bids were obtained by one (1) of the following methods:

- (a) Direct mail advertisement;
- (b) Telephone bids; and/or
- (c) Public notice. (Ord. #20-40, Jan. 2021)

5-308. Purchases and contracts costing less than \$10,000.00. The department head is expected to obtain the best prices and services available for purchases and contracts estimated to be less than ten thousand dollars (\$10,000.00), but is exempted from the formal bid requirements specified in §§ 5-306 and 5-307. (Ord. #20-40, Jan. 2021)

5-309. Record of bids. The purchasing agent shall keep a record of all open market orders and bids submitted in competition thereon, including a list of the bidders, the amount bid by each, and the method of solicitation and bidding, and such records shall be open to public inspection and maintained in

the finance department. As a minimum, the bid file shall contain the following information:

- (1) Request to start bid procedures;
- (2) A copy of the bid advertisement;
- (3) A copy of the bid specifications;
- (4) A list of bidders and their responses;
- (5) A copy of the purchase order; and
- (6) A copy of the invoice. (Ord. #20-40, Jan. 2021)

5-310. Considerations in determining bid awards. Each of the following criteria shall be considered in determining all bid awards:

- (1) The ability of the bidder to perform the contract or provide the material or service required;
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgement, experience, and efficiency of the bidder;
- (4) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (5) The quality of performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector contractors;
- (6) The sufficiency of financial resources and the ability of the bidder to perform the contract or provide the service;
- (7) The ability of the bidder to provide future maintenance and service for the use of the supplies or contractual service contracted;
- (8) Compliance with all specifications in the solicitation for bids;
- (9) The ability to deliver and maintain any requisite bid bonds or performance bonds; and
- (10) Total cost of the bid, including life expectancy of the commodity, maintenance costs, and performance. (Ord. #20-40, Jan. 2021)

5-311. Emergency purchases. When, in the judgment of the purchasing agent, an emergency exists, as set forth in *Tennessee Code Annotated*, § 6-56-304(3), or similar situations, the provisions of this chapter may be waived; provided, however, the purchasing agent shall report the purchases and/or contracts to the board of commissioners at the next regular board meeting stating the item(s) purchased, the amount(s) paid, from whom the purchase(s) was made, and the nature of the emergency. (Ord. #20-40, Jan. 2021)

5-312. Waiver of the competitive bidding process. Upon the recommendation of the town manager, and the subsequent approval of the board of commissioners, that it is clearly to the advantage of the town not to contract,

by competitive bidding, the requirements of competitive bidding may be waived; provided that any of the following criteria are met and documented in a written report to the board of commissioners.

(1) Single source of supply. The availability of only one (1) vendor of a product or service within a reasonable distance of the town as determined after a complete and thorough search by the using department and the purchasing agent.

(2) State Department of General Services. A thorough effort was made to purchase the product or service through, or in conjunction with, the State Department of General Services or via a state contract, such effort being unsuccessful.

(3) Purchase from other governmental entities. A thorough effort was made to purchase the product or service through, or in conjunction with, other municipalities or from any federal or state agency. These purchases may be made without competitive bidding and public advertisement.

(4) Purchases from non-profit organizations. A thorough effort was made to purchase the goods or services from any non-profit organization whose sole purpose is to provide goods and services specifically to municipalities.

(5) Purchases from Tennessee state industries. A thorough effort was made to purchase the goods or services from Tennessee state industries (prison industries).

(6) Purchases from instrumentalities created by two or more co-operating governments. An effort was made to purchase the goods or services from a co-op or group of governments which was formed to purchase goods and services for their members.

(7) Real property purchases or leases. (Ord. #20-40, Jan. 2021)

5-313. Goods and services exempt from competitive bidding. The following goods and services need not be awarded on the basis of competitive bidding; provided, however, that the purchasing agent and/or the department head shall make a reasonable effort to assure that such purchases are made efficiently and in the best interest of the town:

(1) Certain insurance. The town may purchase insurance, pursuant to *Tennessee Code Annotated*, § 29-20-407.

(2) Certain investments. The town may make investments of municipal funds in, or purchases from, the pooled investment fund established pursuant to *Tennessee Code Annotated*, § 9-4-601, *et. seq.*

(3) Motor fuel, fuel products, or perishable commodities. Such commodities may be purchased without competitive bidding.

(4) Professional service contracts. Any services of a professional person or firm, including attorneys, accountants, physicians, architects, engineers, and other consultants required by the town, whose fee is less than five hundred dollars (\$500.00), may be hired without competitive bidding. In those instances where such professional service fees are expected to exceed five

hundred dollars (\$500.00), a written contract shall be developed and approved by the board of commissioners prior to the provision of any goods or services. Contracts for professional services shall not be awarded on the basis of competitive bidding; rather, professional service contracts shall be awarded on the basis of recognized competence and integrity. (Ord. #20-40, Jan. 2021, modified)

5-314. Purchase orders required for every purchase. A purchase order, as defined in this chapter, shall be completed by the department head prior to the ordering of all goods and services to be acquired by the Town of Nolensville, whether or not bidding was required for the purchase. The department head shall forward a copy of each such purchase order to the purchasing agent for placement in the purchasing file. (Ord. #20-40, Jan. 2021)

5-315. Property control. A physical inventory of the town's fixed assets shall be taken annually. The goals of the annual inventory shall be as follows:

- (1) To identify unneeded and duplicate assets;
- (2) To provide a basis for insurance claims, if necessary;
- (3) To deter the incidence of theft and negligence;
- (4) To aid in the establishment of replacement schedules for equipment; and
- (5) To note transfers of surplus property.

To be classified as a fixed asset, an item must be tangible, have an expected life longer than the current fiscal year, and have a value of at least one hundred dollars (\$100.00). Any property or equipment that meets these criteria shall be assigned an asset number (affixed with a property sticker), have a completed property card, and be inventoried annually. Such records shall be controlled and maintained by the applicable department head. These records shall be kept in an updated and current condition, and subject to periodic audit. Computer print outs with appropriate information shall be acceptable if signed by the department head. (Ord. #20-40, Jan. 2021)

5-316. Disposal of surplus property. (1) The purchasing agent shall be in charge of the disposal of surplus property. Any member of the board of commissioners, the town manager, town finance director, or any department head may nominate any town-owned property for disposal or sale as surplus property. All such nominations shall be made on forms developed by the town manager and/or town recorder and signed by the person making the nomination. Signed nominations for surplus property with an estimated value in excess of ten thousand dollars (\$10,000.00) shall be forwarded to the board of commissioners for the final decision authorizing the sale. Surplus property with an estimated a value of less than ten thousand dollars (\$10,000.00) may be sold by the town manager.

(2) All such nominations to designate and sell surplus property shall be made on forms developed by the town manager and/or town recorder, and, after review for completion, forwarded to the board of commissioners for the final decision authorizing the sale. The form should include at least the following:

- (a) A brief description of the item proposed for sale, including manufacturer, model number, serial number, age, and condition;
 - (b) The department or office to which the property is assigned;
 - (c) An explanation of why the property is no longer needed by the town;
 - (d) An estimate of the current in-place value of the property;
- and
- (e) The name and signature of the person making the nomination.

(3) Before classifying any property as being surplus, the board of commissioners shall consider the following:

- (a) The age and condition of the property;
- (b) The cost of replacing the property, if any;
- (c) The anticipated remaining life of the property;
- (d) The estimated value of the property; and
- (e) Whether the property might reasonably, safely, and efficiently be used by another town department or office.

(4) It shall be the official policy of the Town of Nolensville that no town-owned property shall be sold, or offered for sale, as surplus property without prior authorization by the board of commissioners. The board's authorization to sell surplus property shall be in the form of a resolution. (Ord. #20-40, Jan. 2021)

5-317. Employee participation in disposal of surplus property. No town employee shall be permitted to bid on surplus property; nor shall any surplus property be sold by, or given to, a town employee by the board of commissioners, the purchasing agent or any town department head. For the purposes of this chapter, members of the board of commissioners shall be considered town employees. (Ord. #20-40, Jan. 2021)

5-318. Surplus property: items estimated to have monetary value. When disposing of surplus property estimated to have monetary value exceeding ten thousand dollars (\$10,000.00), the purchasing agent, in conjunction with the department head, shall comply with the following procedures:

(1) Obtain from the board of commissioners a resolution declaring said items to be surplus property and fixing the date, time and location for the purchasing agent to receive bids.

(2) A copy of the resolution shall be posted in at least three (3) locations in the community.

- (3) Such equipment or materials shall be sold to the highest bidder.
- (4) All pertinent information concerning the sale shall be noted in the fixed asset records of the town.
- (5) The advertisement, bids, and property cards shall be retained for a minimum period of five (5) years. (Ord. #20-40, Jan. 2021)

5-319. Surplus property: town identification removed prior to sale. No surplus town property shall be sold unless and until all decals, emblems, lettering, or coloring which identifies the item as belonging to the Town of Nolensville have been removed or repainted. (Ord. #20-40, Jan. 2021)

5-320. Sale of dangerous property. It shall be the policy of Nolensville to avoid the sale of surplus property that might reasonably be dangerous or hazardous to the ultimate purchaser. Dangerous or hazardous items shall include, but are not limited to, the following:

- (1) Surplus firearms and other weapons. Such items may only be offered for sale to a public law enforcement agency;
- (2) Explosives;
- (3) Volatile or highly toxic chemicals; and
- (4) Equipment and materials that cannot be operated or used safely due to obsolescence, product defect, lack of maintenance, etc. (Ord. #20-40, Jan. 2021)

5-321. Additional forms and procedures. The purchasing agent is hereby authorized and directed to develop such forms and procedures as are necessary to comply with this chapter. (Ord. #20-40, Jan. 2021)

CHAPTER 4

ROAD IMPACT FEES

SECTION

- 5-401. Short title and applicability.
- 5-402. Intent.
- 5-403. Definitions.
- 5-404. Fee determination.
- 5-405. Exemptions.
- 5-406. Independent fee calculation.
- 5-407. Collection of fees.
- 5-408. Use of road impact fees.
- 5-409. Refunds.
- 5-410. Credits for developer contributions.
- 5-411. Miscellaneous provisions.
- 5-412. Appeals.
- 5-413. Violations and penalty.

5-401. Short title and applicability. (1) Short title. This chapter may be known and cited as the Town of Nolensville's "Road Impact Fee Ordinance," and is referred to herein as "this chapter."

(2) Applicability. The provisions of this chapter shall apply to all new development within the corporate limits of the Town of Nolensville, unless such development is expressly exempted. (2002 Code, § 5-401)

5-402. Intent. (1) The intent of this chapter is to ensure that impact generating development bears a proportionate share of the cost of capital improvements to the town's major road facilities; to ensure that the proportionate share does not exceed the cost of providing such facilities; and to ensure that funds collected from impact generating development are actually used to construct improvements that serve new development.

(2) It is not the intent of this chapter to collect any money from any impact generating development in excess of the actual amount necessary to offset demands generated by that development for the type of facilities for which the fee was paid. (2002 Code, § 5-402)

5-403. Definitions. For the purpose of interpreting this chapter, certain words used herein are defined as follows:

(1) "Applicant" means the applicant for a building permit for which an impact fee is due pursuant to the provisions of this chapter.

(2) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind, including a mobile home, but excluding buildings used for agricultural purposes.

(3) "Building permit" means a permit issued by the building official authorizing performance of a specified activity in or on a structure or building.

(4) "Capital improvement" means any road capital improvement, including, but not limited to, planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:

(a) Construction of new through lanes;

(b) Construction of new turn lanes;

(c) Construction of new bridges;

(d) Construction of new drainage facilities in conjunction with new road construction;

(e) Purchase and installation of traffic signalization (including new and upgraded signalization);

(f) Construction of curbs, medians and shoulders in conjunction with new road construction; and

(g) Relocating utilities to accommodate new road construction.

(5) "Developer" means any individual, firm, company partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group, combination or entity responsible for a new development or a new development project.

(6) "Development project" means an interrelated set of developments, approved by the town pursuant to a subdivision plat, planned development or other development plan.

(7) "Dwelling unit" means a room, or rooms, connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(8) "Impact fee study" means the road impact fee update prepared for the Town of Nolensville by Duncan Associates in January 2017, or a subsequent similar report.

(9) "Impact generating development" means any land development designed or intended to permit an increase in the number of service units.

(10) "Major road system" means all existing or planned collector or arterial roads that are identified on the town's adopted major road plan map and are, or will be, the responsibility of the town to improve and maintain.

(11) "Mini warehouse" means a building in which a number of storage units or vaults are rented for the storage of goods, each unit is physically separated from other units and access is usually provided through an overhead door or other common access point.

(12) "Multi-family" means a building used for two (2) or more dwelling units, in which individual living accommodations are provided for each family.

(13) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(14) "Non-site-related improvements" means land dedications or provisions of arterial road improvements that are not for the exclusive use or benefit of a new development and which are not site related improvements. "Non-site-related improvements" may be located wholly within a development project.

(15) "Office/institutional" means buildings housing primarily office or institutional uses, including, but not limited to, corporate headquarters, medical offices, real estate offices, hospitals, government buildings, schools, day care centers, and private lodges.

(16) "Residential" means single-family detached or multi-family dwelling units.

(17) "Retail/commercial" means shopping centers, commercial land uses and other non-residential land uses not elsewhere classified in the fee schedule.

(18) "Road impact fee administrator" means the Town of Nolensville employee primarily responsible for administering the provisions of this chapter, or his or her designee.

(19) "Service units" means common units of measure of the demand placed on the road system measured as equivalent dwelling units.

(20) "Single-family detached" means a detached dwelling unit on an individual lot principally used, designed, or adapted for use by a single family.

(21) "Square feet" means gross floor area, defined as the total area of all floors of a primary building and all associated accessory buildings, measured from the external surface of the outside walls, but excluding covered walkways, open roofed over areas, porches and similar spaces, exterior terraces or steps, chimneys, roof overhangs, and similar features. Excluded areas include basements or attic spaces of less than seven feet (7') in height and vehicular parking and maneuvering areas.

(22) "Warehouse" means a building primarily devoted to the storage of materials. (2002 Code, § 5-403)

5-404. Fee determination. (1) Fee schedule. Any person who applies for a building permit for an impact generating development, except those exempted or preparing an independent fee calculation study, shall pay a road impact fee in accordance with the following fee schedule prior to the issuance of a building permit. If any pre-ordinance offset credit is due pursuant to § 5-410(7) and (8), the amount of such credit shall be deducted from the amount of the fee to be paid. Fees per one thousand (1,000) square feet shall be based on square feet, as herein defined, and shall be prorated to the nearest dollar.

<u>Land Use Type</u>	<u>Unit</u>	<u>Impact Fee</u>
Single-family detached	Dwelling	\$4,594.00

<u>Land Use Type</u>	<u>Unit</u>	<u>Impact Fee</u>
Multi-family	Dwelling	\$2,527.00
Hotel/motel	Room	\$919.00
Retail/commercial	1,000 sq. ft.	\$1,424.00
Office/institutional	1,000 sq. ft.	\$2,619.00
Nursing home	1,000 sq. ft.	\$1,057.00
Church	1,000 sq. ft.	\$689.00
Elementary/secondary school	1,000 sq. ft.	\$322.00
Industrial	1,000 sq. ft.	\$1,470.00
Warehouse	1,000 sq. ft.	\$551.00
Mini-warehouse	1,000 sq. ft.	\$459.00

(2) Uses not listed. The road impact fee administrator shall be responsible for calculating the appropriate fee for all building permit applications. If the type of development activity for which a building permit is applied is not specified on the fee schedule, the road impact fee administrator shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The road impact fee administrator shall be guided in the selection of a comparable type by the *Institute of Transportation Engineers' Trip Generation Manual* (latest edition), studies or reports done by the United States Department of Transportation or the state department of transportation, articles or reports appearing in the *ITE Journal* or other, similar sources. If the road impact fee administrator determines that there is no comparable type of land use on the fee schedule, or that the fee schedule understates the cost to mitigate the road impacts of the development due to the nature, timing or location of the proposed development, the road impact fee administrator shall cause to be prepared an individual assessment pursuant to § 5-406.

(3) Fee assessed on primary use. In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research, and other associated functions. The impact fees are assessed based on the primary land use.

(4) Net impact of redevelopment. If the type of impact generating development for which a building permit is requested is for a change of land use type or for the expansion, redevelopment, or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type. Remodeling activity

that does not increase the number of residential units or the amount of non-residential square footage shall not require payment of an impact fee.

(5) No refund for change of use. In the event that the proposed change of land use type, redevelopment, or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of impact fees previously paid.

(6) Impact fee calculation errors. If the road impact fee has been calculated and paid based on error or misrepresentation, it shall be recalculated and the difference refunded to the original fee payer or collected by the town, whichever is applicable. If road impact fees are owed, no permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until impact fees are paid. The road impact fee administrator may bring any action permitted by law or equity to collect unpaid fees. (2002 Code, § 5-404)

5-405. Exemptions. The following shall be exempt from the terms of this chapter. An exemption must be claimed at the time of application for a building permit.

(1) Residential alterations. Alterations of an existing dwelling unit where no additional dwelling units are created.

(2) Residential replacement. Replacement of a destroyed, partially-destroyed or moved residential building or structure with a new building or structure of the same use, and with the same number of dwelling units.

(3) Non-residential replacement. Replacement of destroyed, partially-destroyed or moved non-residential building or structure with a new building or structure of the same gross floor area and use.

(4) Pre-ordinance permit applications. Any development for which a completed application for a building permit was submitted prior to the effective date of this chapter; provided that the construction proceeds according to the provisions of the permit and the permit does not expire prior to the completion of the construction.

(5) No waivers; payment of fees by town. Impact fees shall not be waived. In order to promote the economic development of the town or the public health, safety, and general welfare of its residents, the board of commissioners may agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the town that are not restricted to other uses. Any such decision to pay impact fees on behalf of an applicant shall be at the discretion of the Board of Commissioners of the Town of Nolensville and shall be made pursuant to goals and objectives articulated by the town board. (2002 Code, § 5-405)

5-406. Independent fee calculation. (1) Use of independent fee calculation. The road impact fee for a proposed new development shall be calculated by the use of an individual assessment of major road impacts if:

(a) The type of new development is not of the type, or reasonable equivalent thereof, listed on the fee schedule in § 5-404(1);

(b) The road impact fee administrator determines that the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the costs attributable to the development in the fee schedule; or

(c) The applicant chooses to have the amount of the fee determined by such method.

(2) Cost of study; fee. The applicant shall be responsible for preparation of the individual assessment of road impacts if the applicant chooses to conduct such analysis. The road impact fee administrator shall be responsible for preparation of the individual assessment if the type of new development being proposed is not of the type listed on the fee schedule, or the nature, timing of location of the proposed new development makes it likely that major road system improvements will be necessary to serve the development, the cost of which exceed the costs attributable to the development in the fee schedule.

(3) Content of study. The person preparing the individual assessment of road impacts shall be a qualified professional, and shall be approved by the road impact fee administrator on the basis of professional training and experience.

(4) Road impact fee formula. The individual assessment of road impacts shall compute the impact fee per residential unit or, in the case of non-residential development, the impact fee per one thousand (1,000) square feet of gross floor area, using the following formula:

$$\text{Impact fee} = \text{EDUs} \times \text{Netcost/EDU}$$

Where:

$$\text{EDUs} = \text{VMT/Single family VMT}$$

$$\text{VMT} = \text{Triprate}/2 \times \% \text{New} \times \text{Length}$$

$$\text{Triprate} = \text{Average daily trip ends on a weekday (ADT) per unit of development (e.g., dwelling unit or 1,000 square feet)}$$

$$\% \text{ New} = \text{Percent of average daily trips that are primary, as opposed to pass-by or diverted-linked trips}$$

$$\text{Length} = \text{Average length of a trip in miles associated with the land}$$

use, from national transportation data

Net cost/EDU = Net cost per equivalent dwelling unit as calculated in the impact fee study separately for residential and non-residential uses

(5) Application procedure. The individual assessment of road impacts shall be prepared on an application form provided by the town. The determination of the appropriate impact fee for the development, based on the above formula, the information provided by the applicant and any other information determined to be relevant by the road impact fee administrator shall be made by the road impact fee administrator.

(6) Appeals. The applicant may appeal the decision of the road impact fee administrator on the individual assessment to the board of commissioners, pursuant to § 5-412, appeals. (2002 Code, § 5-406, modified)

5-407. Collection of fees. The collection of impact fees shall be as follows:

(1) Collection at building permit. Except as set forth in subsection (2) below, the impact fees for all affected development shall be calculated and collected in conjunction with the application for each building permit for such development.

(2) Collection for non-permit development. For uses not ultimately requiring a building permit, the fee shall be calculated and collected at the time of approval of the site plan. (2002 Code, § 5-407)

5-408. Use of road impact fees. (1) Segregation of funds. A Road Impact Fee Fund, that is distinct from the General Fund of the town, is hereby created, and the impact fees received will be deposited in the interest bearing account of the Road Impact Fee Fund.

(2) FIFO accounting. Monies in the impact fee account shall be considered to be spent in the order collected, on a first in/first out basis.

(3) Eligible expenditures. The monies in the road impact fee account shall be used only for the following:

(a) To acquire or construct planned improvements that add capacity to the major road system and that are included in the calculation of the road impact fee. Capacity expanding improvements include, but are not limited to, constructing new roads, relocating roads, widening of roads to increase lane and/or shoulder width or to add additional travel lanes, signalization, addition of turn lanes and other intersection improvements, and drainage improvements if they are associated with improvements that will add capacity or enhance traffic flow;

(b) Qualifying project costs include project engineering costs; the acquisition cost of rights-of-way and easements, including legal costs;

the construction cost of improvements, including, but not limited to, public street travel lanes, public pedestrian and bicycle pathways, turning lanes, or the portion thereof, located within the right-of-way of a public street, lighting, signalization, signage and landscaping improvements that are required for the road improvement to function effectively; and the principal, interest and other financing costs of bonds, notes or other obligations issued by, or on behalf of, the town to finance qualified improvements;

(c) As described in § 5-409, refunds; or

(d) As described in § 5-410, credits.

(4) Ineligible expenditures. The monies in each impact fee account shall not be used for the following:

(a) Rehabilitation, reconstruction, replacement or maintenance of existing facilities and capital equipment, except to the extent that the projects increase the capacity to serve new development and is included in the impact fee calculation; or

(b) Ongoing operational costs. (2002 Code, § 5-408)

5-409. Refunds. (1) Refund of unspent funds. Any monies in the Impact Fee Fund that have not been spent within ten (10) years after the date on which such fee was paid shall be returned to the current owners with earned interest since the date of payment.

(2) Notice of the right to a refund. Notice of the right to a refund, including the amount of the refund and the procedure for applying for, and receiving, the refund, shall be sent or served in writing to the present owners of the property within thirty (30) days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.

(3) Pro rata refund basis. The refund shall be made on a pro rata basis, and shall be paid in full within ninety (90) days of the date certain upon which the refund becomes due.

(4) Refund; permit expiration. If an applicant has paid an impact fee required by this chapter and the building permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, then the applicant who paid such fee shall be entitled to a refund of the fee paid, without interest. In order to be eligible to receive such refund, the applicant who paid such fee shall be required to submit an application for such refund within thirty (30) days after the expiration of the permit or extension for which the fee was paid.

(5) Administrative fee. The town shall assess two percent (2%) of the amount of any refund to cover the administrative costs of processing refunds. (2002 Code, § 5-409)

5-410. Credits for developer contributions. Credit against the road impact fees shall be provided for contributions toward the major road system included in the calculation of the impact fee.

(1) Reimbursement credits available. The town may provide reimbursement from the impact fee account for contributions toward the major road system that are included in the calculation of the impact fee.

(a) Approved reimbursements for construction shall generally become effective when the improvements have been completed and have been accepted by the town under the provisions of a prior agreement.

(b) Approved reimbursements for land dedication shall become effective when the land has been conveyed to the town and has been accepted by the town under the provisions of a prior agreement.

(2) Land valuation. Credit for dedication of land for major road system right-of-way shall be based on the value of the land to be dedicated. The value of any land required to be dedicated during the subdivision process shall be based upon the "fair market value" of the land at the time of filing the final plat. The value of any land required to be dedicated as part of a rezoning or other approval shall be based on the value of the land at the time of the application for the approval. The value shall be determined by a certified appraiser who is selected and paid for by the applicant, and who uses generally accepted appraisal techniques. If the town disagrees with the appraised value, the town may engage another appraiser at the town's expense, and the value shall be an amount equal to the average of the two (2) appraisals. If either party rejects the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being borne by the party rejecting the average. The third appraiser shall be selected by the first two (2) appraisers, and the third appraisal shall be binding on both parties. Approved credits for dedicated land shall become effective when the land has been conveyed to the town and has been accepted by the town.

(3) Construction cost. In order to receive credit for major road system improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates or property appraisals to the road impact fee administrator. The road impact fee administrator shall determine the amount of reimbursement credit due based on the information submitted, or where such information is deemed inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the road impact fee administrator.

(4) Developer agreement. To qualify for an impact fee credit, the developer must enter into an agreement with the town. At a minimum, the developer agreement shall specify the amount of the credit, and within how many years the developer will be reimbursed from impact fees collected by the town, assuming adequate funds are available for such repayment.

(5) Reimbursement fund. The town will allocate a minimum of twenty-five percent (25%) of annual road impact fees collected to reimburse developers

for eligible improvement credits. If the amount allocated for reimbursements is not sufficient to make all payments due to developers for that year, each developer will receive a pro rata share of the amount owed, and the unpaid amount will be added to the amount owed for the following year. If less than twenty-five percent (25%) of annual road impact fee collections are required for reimbursements in any given year, the remainder may be used for project expenditures.

(6) Expiration of credits. Credits provided pursuant to this chapter shall be valid from the effective date of such credits until ten (10) years after such date.

(7) Pre-ordinance offset credits. Developers may not obtain reimbursement credits for a non-site-related capital improvement completed prior to the effective date of this chapter, but applicants for building permits within the development project for which such improvement had been made shall be eligible for reduced impact fees. Application for such offset credits must be made, on forms provided by the town, within one (1) year after the effective date of this chapter. In the event that the impact generating development for which the credits are claimed is partially completed, the amount of the credits shall be reduced by the amount of the impact fees that would have been charged for the completed portion of the development project had this chapter been in effect. In the event that the impact generating development project has been fully completed, no credits shall be issued. If some credits are warranted, the town shall determine the appropriate percentage reduction of impact fees within the development project, and shall reduce the impact fees charged for all future building permits within the development project.

(8) Prior payment of county road impact fee. The town's road impact fee will be reduced by the amount of any prior payments of county road impact fees for the same property. In order to receive a credit for prior payment of the Williamson County road impact fee, an applicant will need to provide evidence of payment to the road impact fee administrator. (2002 Code, § 5-410)

5-411. Miscellaneous provisions. (1) Developer exactions. Nothing in this chapter shall restrict the town from requiring the construction of reasonable improvements required to serve the development project, whether or not such improvements are of a type for which credits are available under § 5-410, credits for developer contributions.

(2) Record keeping. The impact fee administrator shall maintain accurate records of the impact fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for each fee, and any other matters that the town deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

(3) Programming of funds. The town's capital improvements program shall assign monies from the impact fee fund to specific projects and related expenses for eligible improvements of the type for which the fees in that fund were paid. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program and not expended pursuant to § 5-409, refunds, or § 5-410, credits for developer contributions, shall be retained in the same impact fee fund until the next fiscal year.

(4) Administrative charges. The town shall assess a surcharge of two percent (2%) of the road impact fee collected to cover the expenses of collecting the fee and administering this chapter. The administrative charge may not be paid with impact fee credits.

(5) Underpayment or overpayment. If an impact fee has not been paid, has been underpaid or has been overpaid for any reason, the underpayment or overpayment shall be remedied as soon as possible after it is discovered. Any amounts overpaid by an applicant shall be refunded by the impact fee administrator to the applicant within thirty (30) days after the discovery of the overpayment, with interest since the date of such overpayment. Any amounts not paid or underpaid by the applicant shall be paid to the impact fee administrator within thirty (30) days after notice is given to the applicant of the amount due, with interest since the date of such underpayment. In the case of a nonpayment or underpayment, the town shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the town are not paid within such thirty (30) day period, the town may also rescind any permits issued in reliance on the previous payment of such impact fee.

(6) Periodic updates. The impact fee schedules and the administrative procedures established by this chapter shall be reviewed at least once every three (3) years.

(7) Annual fee schedule inflation adjustment. In years when a comprehensive update is not performed, the road impact fee schedule shall be adjusted to account for construction cost inflation, pursuant to the provisions of this section. On January 1 following each calendar year during which the fee schedule was not comprehensively updated, an adjusted fee schedule shall become effective. The road impact fee administrator shall make the adjusted road impact fee schedule publicly available. The road impact fee administrator shall calculate adjustments to the impact fee rates based upon the percentage change over the most recently available preceding twelve (12) month period in the *Engineering News Record Construction Cost Index*, or, if this index becomes unavailable, a comparable index. (2002 Code, § 5-411)

5-412. Appeals. Any determination made by the impact fee administrator charged with the administration of any part of this chapter may be appealed to the board of commissioners within thirty (30) days from the date of the decision to be appealed. (2002 Code, § 5-412)

5-413. Violations and penalty. Furnishing false information on any matter relating to the administration of this chapter, including without limitation, the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this chapter. (2002 Code, § 5-413)

CHAPTER 5

DEBIT AND CREDIT CARD REQUIREMENTS AND FEES

SECTION

5-501. Payment by credit card or debit card.

5-502. Convenience fee.

5-503. Notice to card users.

5-504. Notice to comptroller.

5-501. Payment by credit card or debit card. (1) It is lawful for the town to receive payment by credit card or debit card for any public court fine and/or fee assessment, or other monies collected by Nolensville.

(2) As used in this subsection, unless the context otherwise requires:

(a) "Credit card" has the same meaning as defined in *Tennessee Code Annotated*, § 47-22-101.

(b) "Debit card" has the same meaning as defined in *Tennessee Code Annotated*, § 39-14-102(3). (2002 Code, § 5-501)

5-502. Convenience fee. The Town of Nolensville is hereby establishing a processing fee of five percent (5%) from customers using credit or debit cards as the method of payment.

In the event that the credit or debit card company issuing the card does not honor payment of the charge, the town shall collect the same fee that it normally charges for returned checks, and this fee shall be in addition to the normal fee for using a credit or debit card for payment. (2002 Code, § 5-502)

5-503. Notice to card users. Any notice to the customer owing the fees/charges shall state the percentage of the processing fee for use of a credit or debit card. (2002 Code, § 5-503)

5-504. Notice to comptroller. Filing of a pre-implementation statement with the comptroller's office, as required by *Tennessee Code Annotated*, § 47-10-119, shall be required thirty (30) days prior to implementing the above processing fees. The town shall provide to the comptroller of the treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a pre-implementation statement has been filed with the comptroller. (2002 Code, § 5-504)

CHAPTER 6

HOTEL/MOTEL TAX

SECTION

- 5-601. Definitions.
- 5-602. Register required; availability for inspection.
- 5-603. Rooms to be numbered.
- 5-604. Tax levied.
- 5-605. Collection.
- 5-606. Remission to town.
- 5-607. Collection, development of report, audit, etc.
- 5-608. Operator cannot advertise that he will assume tax.
- 5-609. Delinquent taxes; offenses by operators and/or transients.
- 5-610. Operators to keep records.
- 5-611. Additional powers of recorder; remedies available to tax payer.
- 5-612. Recorder to collect; disposition of proceeds.

5-601. Definitions. As used in this chapter:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever.

(2) "Hotel" means any structure or space, or any portion thereof, that is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and includes privately, publicly, or government-owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings, or accommodations are furnished to transients for consideration.

(3) "Occupancy" means the use or possession, or the right to use or possession, of any room lodgings or accommodations in any hotel.

(4) "Persons" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(5) "Tourism" means attracting non-residents to visit a particular municipality and encouraging those non-residents to spend money in the municipality, which includes travel related to both leisure and business activities.

(6) "Tourism development" means the acquisition and construction of, and financing and retirement of debt for, facilities related to tourism.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days. (Ord. #21-24, Sept. 2021)

5-602. Register required; availability for inspection. Every person to whom a permit is issued under this chapter shall, at all times, keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room which guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times to the town. (Ord. #21-24, Sept. 2021)

5-603. Rooms to be numbered. Each sleeping room and in every hotel in the town shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number. (Ord. #21-24, Sept. 2021)

5-604. Tax levied. There is hereby levied, assessed and imposed, and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided herein. (Ord. #21-24, Sept. 2021)

5-605. Collection. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the town. (Ord. #21-24, Sept. 2021)

5-606. Remission to town. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the town to the town recorder of the town such tax to be remitted to such officer no later than the twentieth day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient then the obligation to the town entitled to such tax shall be that of the operator. (Ord. #21-24, Sept. 2021)

5-607. Collection, development of report, audit, etc. The town recorder shall be responsible for the collection of such tax. A monthly tax return

under oath shall be filed with the town recorder by the operator with such number of copies thereof as the town recorder and finance director may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the finance director and approved by the board of commissioners prior to use. The finance department may audit each operator in the town at least once per year and shall report on the audits made on a quarterly basis to the board of commissioners. (Ord. #21-24, Sept. 2021)

5-608. Operator cannot advertise that he will assume tax. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax, or any part thereof, will be assumed or absorbed by the operator, or that it will not be added to the rent, or that if added, any part will be refunded. (Ord. #21-24, Sept. 2021)

5-609. Delinquent taxes; offenses by operators and/or transients. Taxes collected by the operator which are not remitted to the town recorder on, or before, the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date, at the rate of twelve percent (12%) per annum, such taxes are delinquent. Such interest shall become a part of the tax. Each occurrence of willful refusal of an operator to collect or remit the tax, or willful refusal of a transient to pay the tax imposed, is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). (Ord. #21-24, Sept. 2021)

5-610. Operators to keep records. It shall be the duty of every operator liable for the collection and payment to the town of the tax imposed by this chapter to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of, and payment to, the town, which records the town recorder shall have the right to inspect at all reasonable times. (Ord. #21-24, Sept. 2021)

5-611. Additional powers of recorder; remedies available to tax payer. The town recorder, or other authorized collector of the tax in administering and enforcing the provisions of this chapter, shall have, as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the tax payer shall have the remedy provided in *Tennessee Code Annotated*, title 67. The town recorder shall have all those powers and duties as provided in *Tennessee Code Annotated*, § 67-1-707(b), with respect to the adjustment and settlement with tax payers of errors of taxes collected. Any tax paid under protest shall be paid to

the town recorder. Any suit filed to recover taxes paid under protest may be brought by filing the same against the town recorder of the town. (Ord. #21-24, Sept. 2021)

5-612. Recorder to collect; disposition of proceeds. The town recorder is hereby charged with the duty of collection of the tax herein levied and the proceeds received by the town from the tax shall be used exclusively for tourism and tourism development within the town as required by *Tennessee Code Annotated*, § 67-4-1403. (Ord. #21-24, Sept. 2021)