

TITLE 5**MUNICIPAL FINANCE AND TAXATION**¹**CHAPTER**

1. MISCELLANEOUS.
2. PROPERTY TAX.
3. WHOLESALE BEER TAX.
4. LOCAL SALES TAX.
5. PURCHASING.

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

5-101. Bank depository designated.

5-101. Bank depository designated. The city recorder/treasurer shall from time to time solicit proposals for banking services from local banking institutions so as to maximize the return on idle municipal funds and to minimize the expenses incurred for banking services. To this end, with the advice and consent of the board of mayor and alderman, the city recorder/treasurer shall determine and announce to the board of mayor and alderman at a regularly scheduled meeting the bank depository he officially designates for municipal funds and banking services. (2003 Code, § 1-1103)

¹Charter references

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

CHAPTER 2

PROPERTY TAX

SECTION

5-201. Tax levied.

5-202. When set.

5-203. Tax to be lien on property; when due; when delinquent; interest and penalties.

5-204. Assessment of property for taxes.

5-205. Recorder to collect.

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5-207. Collection of delinquent taxes.

5-201. Tax levied. There is hereby levied and enacted a tax on all property within the boundaries of the City of Church Hill which is taxable by municipalities under the laws of the State of Tennessee. (2003 Code, § 6-101)

5-202. When set. The levy rate is to be set each year before July 1, or as soon thereafter as possible upon the adoption of the City of Church Hill annual budget. (2003 Code, § 6-102)

5-203. Tax to be lien on property; when due; when delinquent; interest and penalties. The tax shall become a lien upon all property on and after January 10th of each year; shall become due and payable on and after October 1st, next following; shall become delinquent on and after March 1st of the year following the date it becomes due and payable; and shall bear interest and penalties as provided by the laws of the State of Tennessee pertaining to municipal taxes. (2003 Code, § 6-103)

5-204. Assessment of property for taxes. For purposes of said tax and determination of the amounts due thereunder the assessments made by the County Tax Assessor of Hawkins County, Tennessee, upon property within the boundaries of the City of Church Hill, Tennessee, shall be used and are hereby adopted until such time as the said city may by appropriate action provide a separate means of assessment, and provided that where property lying partly within the city and partly outside the city shall be assessed in one assessment by the said county tax assessor without allocation of value as to the portion lying within the city, in such event, the Board of Mayor and Aldermen of the City of Church Hill shall have full power and authority to determine what part of such assessed value is properly allocable to property within said city.

Utilities and carriers shall be assessed by the means and the manner provided by state law for assessment of such property. (2003 Code, § 6-104)

5-205. Recorder to collect. The taxes herein levied shall be paid to the Recorder of the City of Church Hill, Tennessee, or such other official or employee as the city may by ordinance or resolution designate. (2003 Code, § 6-105)

5-206. Tax to be used for any lawful city expenditure. All monies collected under this Chapter shall be deposited in the name of the City of Church Hill and said money shall be used for any lawful expenditure of the City of Church Hill, any lawful expenditure being defined from time to time by appropriate action of the Board of Mayor and Aldermen. (2003 Code, § 6-106)

5-207. Collection of delinquent taxes. The taxes herein levied may be collected in the same manner as is provided for collection of delinquent municipal taxes by the laws of the State of Tennessee and any ordinance, or ordinances, of the City of Church Hill, Tennessee. (2003 Code, § 6-107)

CHAPTER 3**WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

5-301. To be collected. The 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 (2003 Code, § 6-201)

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 4

LOCAL SALES TAX

SECTION

5-401. Findings of board.

5-402. Tax levied.

5-403. State to collect.

5-404. Remedies of taxpayers claiming illegal assessment and collection.

5-405. Election required for approval of tax.

5-401. Findings of board. It is in the best interest of the citizens and residents of the City of Church Hill to impose and collect a sales tax upon the sale or use of all personal property, within the City of Church Hill, as allowed under the 1963 Local Option Revenue Act. (2003 Code, § 6-301)

5-402. Tax levied. The City of Church Hill hereby adopts the provisions of the Tennessee Code Annotated, § 67-6-701, and hereby imposes a sales tax on the sale or use of all articles of personal property within the boundaries of the City of Church Hill at the rate of one-half (.5) cent per one dollar (\$1.00), said amount collected not to exceed two dollars and fifty cents (\$2.50) on the sale or use of any single article of personal property. (2003 Code, § 6-302)

5-403. State to collect. The Department of Revenue of the State of Tennessee shall collect such tax concurrently with the collection of the state tax and in the same manner as the state tax is collected. (2003 Code, § 6-303)

5-404. Remedies of taxpayers claiming illegal assessment and collection. Upon any claim of illegal assessment and collection, the taxpayer shall have all the remedies provided in the Tennessee Code Annotated, and suit shall be brought against the Mayor of the City of Church Hill in such instances. (2003 Code, § 6-304)

5-405. Election required for approval of tax.¹ An election shall be held in the City of Church Hill within sixty (60) days after the adoption of the provisions in this chapter, with all registered voters having an option to vote for or against the ordinance, said election to be held in conjunction with the Church Hill city election on June 15, 1972. In the event the ordinance is approved by the voters of the City of Church Hill it shall become effective forty (40) days after the date of approval. (2003 Code, § 6-305)

¹The local sales tax ordinance, Ordinance No. 83, was approved by the voters on June 15, 1972, by a vote of 269 to 154.

CHAPTER 5

PURCHASING

SECTION

5-501. Application.

5-502. Limits on purchases.

5-503. Advertising and bidding -- exceptions.

5-504. Advertising and bidding -- expenditures of less than \$5,000.00.

5-505. Additional authority of board.

5-501. Application. This chapter shall apply to all purchases by authorized officials using or encumbering municipal funds, except as follows:

(1) This chapter shall not apply to purchases made under the provisions of Tennessee Code Annotated, § 12-3-1001;

(2) This chapter shall not apply to investments in or purchases from the pooled investment fund established pursuant to Tennessee Code Annotated, § 9-17-105;

(3) This chapter shall not apply to purchases from instrumentalities created by two (2) or more cooperating governments such as, but not limited to, those established pursuant to the Interlocal Cooperation Act, compiled in Tennessee Code Annotated, title 12, chapter 9; and

(4) This chapter shall not apply to purchases from nonprofit corporations such as, but not limited to, the Local Government Data Processing Corporation, whose purpose or one (1) of whose purposes is to provide goods or services specifically to municipalities. (2003 Code, § 1-1501)

5-502. Limits on purchases. All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. (2003 Code, § 1-1502)

5-503. Advertising and bidding -- exceptions. Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(1) Purchases costing less than five thousand dollars (\$5,000.00); provided, that this exemption shall not apply to purchases of like items which individually cost less than five thousand dollars (\$5,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed five thousand dollars (\$5,000.00) during any fiscal year;

(2) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the mayor and the board of mayor and alderman and shall include all items of information as required for the record;

(3) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the board of mayor and aldermen and the mayor, and shall include all items of information as required in the record;

(4) Leases or lease-purchase agreements requiring total payments of less than five thousand dollars (\$5,000.00) in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like or related items which individually may be leased or lease-purchased with total payments of less than five thousand dollars (\$5,000.00) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be five thousand dollars (\$5,000.00) or more in any fiscal year;

(5) Purchases, leases, or lease-purchases of real property;

(6) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment;

(7) Purchases of perishable commodities from the requirements of public advertisement and competitive bidding, when such items are purchased in the open market. A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the mayor and the board of mayor and alderman, and shall include all items of information as required in the record. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available; and

(8) Purchases, for resale, of natural gas and propane gas. (2003 Code, § 1-1503)

5-504. Advertising and bidding -- expenditures of less than \$5,000.00. All purchases, leases, or lease-purchase arrangements with expenditures of less than five thousand dollars (\$5,000.00) but more than one thousand dollars (\$1,000.00) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. Purchases, leases, or lease-purchases of one thousand dollars (\$1,000.00) or less in any fiscal year shall not require any public advertisement or competitive bidding. (2003 Code, § 1-1504)

5-505. Additional authority of board. (1) The board of mayor and alderman may, by resolution, lower the dollar amounts required in this chapter for public advertisement and competitive bidding to an amount to be set by the board.

(2) The board of mayor and alderman may, by resolution, adopt regulations providing procedures for implementing the provisions of this chapter. (2003 Code, § 1-1505)