

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Official depositories for city funds.
- 5-102. Increase of cap for local sales tax on single item purchases.
- 5-103. Purchasing.
- 5-104. Litigation tax.

5-101. Official depositories for city funds. The official depositories for all city funds shall be any banking institution located within the corporate limits of the City of Dyersburg.

These depositories shall furnish adequate security to protect the interest of the city either by collateral in the form of bonds of the United States government, the State of Tennessee, the County of Dyer, the City of Dyersburg, or some other city in an amount ten per cent (10%) in excess of the deposits, or by a bond in a sum ten per cent (10%) in excess of be approved by the board of mayor and aldermen. The board of mayor and aldermen reserves the right to require additional security at any time it deems such collateral to be inadequate or insufficient to protect the funds of the city. (1978 Code, § 6-101, modified)

5-102. Increase of cap for local sales tax on single item purchases.

(1) The maximum local option sales tax collectible on the sale or use of a single item of personal property as authorized in the resolution of the county legislative body which levied the local option sales tax for Dyer County, of record in Minute Book A-D at page 215, is hereby removed for purpose of the sale or use of any single article of personal property within the corporate limits.

(2) Beginning on the first day of the month occurring thirty (30) or more days after a certified copy of this section is received by the Department of Revenue, the local sales tax at the present rate effective in Dyer County shall

¹Charter references: §§ 13A, 16, 18, 20, 21, and 29.

apply to the first one thousand one hundred dollars (\$1,100.00) on the sale or use of any single article of personal property within the corporate limits.

(3) Nothing herein contained shall be construed to increase the local option sales tax rate heretofore in effect in Dyer County or Dyersburg.

(4) Notice of the meetings for the consideration of this section and that this matter is on the agenda of the meetings has been published at least once in a newspaper of general circulation in the city.

(5) A certified copy of this section shall be transmitted immediately upon adoption to the Department of Revenue of the State of Tennessee by the recorder.

(6) The maximum tax on the sale or use of any single item authorized by this section shall be collected by the State Department of Revenue concurrently with the collection of the state tax and the Dyer County sales tax and in the same manner as these taxes are collected in accordance with the rules and regulations promulgated by the department.

(7) For all purposes except collection of the tax on the increased base, this section shall take effect May 19, 1986. For purposes of collection of the tax on the increased base, this ordinance shall take effect on the first day of the month occurring thirty (30) days after a certified copy is received by the Department of Revenue. (1978 Code, § 6-102)

5-103. Purchasing. The office of Purchasing Agent for the City of Dyersburg, Tennessee, is established and purchasing procedures for the City of Dyersburg, Tennessee, are established as provided by the Municipal Purchasing Law of 1983 as amended in Tennessee Code Annotated, § 6-56-301, et seq., as follows:

(1) As provided in TCA, § 6-56-301, et seq., the office of purchasing agent is hereby created and the city treasurer shall faithfully discharge the duties of said office or appoint an individual to make purchases for the city. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body.

(2) The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city recorder.

(3) After initial approval by resolution of the governing body of this city, changes or revisions to the purchasing procedures shall be made only by resolution. (1978 Code, § 6-103)

5-104. Litigation tax. (1) Effective on the first day of the month following the passage of this section the City of Dyersburg shall impose and there is hereby levied a city litigation tax in an amount not to exceed ten dollars

(\$10.00) per case, and which is less than the current state litigation tax of thirteen dollars and seventy-five cents (\$13.75).

(2) The litigation taxes levied pursuant to this section shall be collected by the city court clerk as part of the costs of the cause and paid to the city treasurer monthly.

(3) Five dollars (\$5.00) of the litigation taxes levied in each case shall be designated to fund the Municipal Court of the City of Dyersburg. All remaining taxes levied pursuant to this section may be designated for the use by the City of Dyersburg, for any lawful municipal purpose. (as added by Ord. #BB-540, March 2003)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the city against real property shall become due and payable annually on the date set in the city charter. (1978 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on the date set in the city charter and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the city charter.³

A penalty of 1½% per month shall be assessed on all delinquent taxes which might be due or owing after January 1, 1983. (1978 Code, § 6-202)

¹State law references

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

²Charter and state law reference

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

³Charter and state law references

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

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

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1978 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1978 Code, § 6-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. 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 (1978 Code, § 6-401)

¹State law reference

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