

**TITLE 5****MUNICIPAL FINANCE AND TAXATION**<sup>1</sup>**CHAPTER**

1. PRIVILEGE TAXES.
2. WHOLESALE BEER TAX.
3. HOTEL/MOTEL TAX.

**CHAPTER 1****PRIVILEGE TAXES****SECTION**

- 5-101. Tax levied.  
5-102. License required.

**5-101. 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 said 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 town at the rates and in the manner prescribed by the said act. (1986 Code, § 6-101)

**5-102. License required.** No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1986 Code, § 6-102)

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<sup>1</sup>Charter reference  
Taxes: § 10.

**CHAPTER 2****WHOLESALE BEER TAX****SECTION**

5-201. To be collected.

**5-201. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1986 Code, § 6-201)

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<sup>1</sup>State 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 3

### HOTEL/MOTEL TAX

#### SECTION

- 5-301. Definitions.
- 5-302. Levy of tax.
- 5-303. Allocation of proceeds.
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- 5-306. Method of reporting taxes.
- 5-307. Offer to absorb tax prohibited.
- 5-308. Penalties and interest for delinquency.
- 5-309. Records.
- 5-310. Administration.
- 5-311. Applicability.
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**5-301. Definitions.** As used in this chapter unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the room, lodging, space or accommodation provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings, accommodations or spaces are furnished to transients for a consideration.

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

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise and includes any governmental unit.

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

(6) "Tax collection official" means the recorder or other person designated by the municipal legislative body to collect the tax imposed by this chapter.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a hotel for a period of less than thirty (30) continuous days. (Ord. #6-8-99-2, June 1999)

**5-302. Levy of tax.** The Board of Mayor and Aldermen of the Town of Rogersville, Tennessee, does hereby authorize and levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of 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 in this chapter. (Ord. #6-8-99-2, June 1999)

**5-303. Allocation of proceeds.** The proceeds received by the town from the tax shall be retained by the town and deposited into the general fund of the town to be expended for the promotion of tourism within the corporate limits of the town in a manner deemed appropriate to such promotion as determined by the board of mayor and aldermen. (Ord. #6-8-99-2, June 1999)

**5-304. Tax added to invoice.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the Town of Rogersville, Tennessee.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the town. (Ord. #6-8-99-2, June 1999)

**5-305. Remittance to recorder.** (1) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the town to the recorder, such tax to be remitted to such officer not later than the twentieth (20<sup>th</sup>) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such 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.

(2) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the recorder in the form of a deduction in

submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment. (Ord. #6-8-99-2, June 1999)

**5-306. Method of reporting taxes.** The recorder shall be responsible for the collection of such tax. A monthly tax return shall be filed under oath with the recorder by the operator with such number of copies thereof as the recorder may reasonably require for the collection of such tax. The reports 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 recorder and approved by the town legislative body prior to use. The recorder shall audit each operator in the town at least once a year and shall report on the audits made on a quarterly basis to the town legislative body. The town legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports. (Ord. #6-8-99-2, June 1999)

**5-307. Offer to absorb tax prohibited.** 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. #6-8-99-2, June 1999)

**5-308. Penalties and interest for delinquency.** Taxes collected by an operator which are not remitted to the recorder on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of transient to pay the tax imposed is a violation of this act and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00). (Ord. #6-8-99-2, June 1999)

**5-309. Records.** It is the duty of every operator liable for the collection and payment to the Town of Rogersville any tax imposed by this chapter to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the town. The recorder has the right to inspect such records at all reasonable times. (Ord. #6-8-99-2, June 1999)

**5-310. Administration.** The recorder in administering and enforcing the provisions of this chapter has as additional powers, those powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, § 68-1-911. It is the intent of this chapter that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter, provided, the recorder shall also possess those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, with respect to adjustments and settlement with taxpayers of all errors of taxes collected under the authority of this chapter and to direct the refunding of same.

With respect to the adjustment and settlement with taxpayers all errors of town taxes collected by the recorder under authority of this chapter shall be refunded by the recorder. Notice of any tax paid under protest shall be given to the recorder, and suit for recovery shall be brought against such recorder. (Ord. #6-8-99-2, June 1999)

**5-311. Applicability.** The tax levied pursuant to the provisions of this chapter shall only apply in accordance with the provisions of Tennessee Code Annotated, § 67-4-1425. (Ord. #6-8-99-2, June 1999)

**5-312. Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are declared to be severable. (Ord. #6-8-99-2, June 1999)