

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. HOTEL/MOTEL TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Official depositories for city funds.
- 5-102. Fiscal year of the city.

5-101. Official depositories for city funds.² The following banks are designated as official depositories for the funds of the City of South Fulton in such accounts as the board of commissioners may from time to time designate by resolution:

The Fulton Bank of Fulton, Kentucky

The City National Bank of Fulton, Kentucky

The Farmers Exchange Bank of South Fulton, Tennessee

The city manager shall ascertain and so advise the board of commissioners if any of the designated depositories do not meet the standards imposed by Tennessee Code Annotated, § 6-22-102. (1985 Code, § 6-401)

¹Charter reference

Finance and taxation: title 6, chapter 22.

²Charter reference

Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

5-102. Fiscal year of the city. The fiscal year for the City of South Fulton shall begin on the first day of July and shall end on the last day of June (inclusive) of the year thereafter.¹ (1985 Code, § 6-402)

¹Charter reference

Tennessee Code Annotated, § 6-22-121 provides that the fiscal year of the city shall begin on July 1 unless otherwise provided by ordinance.

CHAPTER 2

REAL PROPERTY TAXES¹

SECTION

5-201. When due and payable.

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

5-201. When due and payable.² Taxes levied by the city against real property shall become due and payable on the first day of October of the year. (1985 Code, § 6-101)

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.

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 each succeeding month.

²Charter references

Tennessee Code Annotated, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

5-202. ~~When delinquent--penalty and interest.~~¹ On the first day of March following the due date of taxes, a penalty of two percent (2%) upon all taxes remaining unpaid shall be imposed. An alternate penalty of two percent (2%) shall be added the first day of each month thereafter for twelve (12) months. (1985 Code, § 6-102)

¹Charter reference

Tennessee Code Annotated, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-303. Exemption.

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. (1985 Code, § 6-201)

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 payment of the appropriate privilege tax. (1985 Code, § 6-202)

5-303. Exemption. Any person whose place of business is located in or based within the corporate limits of the City of Fulton, however, shall be exempted from the requirements of this chapter so long as they have a valid occupational license for said business from Fulton, Kentucky. (Ord. #86-3, June 1986)

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 (1985 Code, § 6-301)

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 5

HOTEL/MOTEL TAX

SECTION

5-501. Tax levied.

5-502. Proceeds to be placed in the general fund.

5-503. City recorder to collect.

5-504. Mayor to accept suits.

5-501. Tax levied. The tax is to be 5% of the consideration charged each transient. (Ord. #91-2, June 1991)

5-502. Proceeds to be placed in the general fund. The proceeds received by the city shall be placed in the general fund of the city and are to be used for the benefit of the citizens of South Fulton, Tennessee. (Ord. #91-2, June 1991)

5-503. City recorder to collect. The city recorder shall be the collector of this occupancy tax, and shall have the duty to collect this occupancy tax and shall have the duty to deposit the proceeds in the general fund of the City of South Fulton, Tennessee. (Ord. #91-2, June 1991)

5-504. Mayor to accept suits. The Mayor of the City of South Fulton, Tennessee shall be the officer to accept service of any suit brought in accordance with Tennessee Code Annotated, § 67-4-1410. (Ord. #91-2, June 1991)