

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. PROPERTY TAXES.
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4. WHOLESALE BEER TAX.
5. LITIGATION TAX.
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CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depositories for city funds.

5-101. Official depositories for city funds. The First Union National Bank, the Bank of Dickson, First Federal Savings Bank, Union Planters Bank and Peoples Bank, all of Dickson, Tennessee, are hereby designated as the official depositories for all funds of the City of Dickson. (1980 Code, § 6-101)

CHAPTER 2

PROPERTY TAXES

SECTION

5-201. When due and payable.

5-202. Delinquency--penalty and interest.

5-201. When due and payable.¹ Taxes levied by the city against property shall become due and payable and delinquent on the dates prescribed in the charter.² (1980 Code, § 6-201)

5-202. Delinquency--penalty and interest.³ All property taxes becoming delinquent shall be subject to twelve percent (12%) interest per annum and a penalty of six percent (6%) per annum. (1980 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 reference: art. 3, § 3.08.

³Charter 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.

CHAPTER 3

PRIVILEGE TAXES GENERALLY¹**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.

For the proper enforcement of this act, the city recorder and tax collector shall have all of the powers and authority vested in the county court clerk in connection with the collection of taxes under the provisions of this section, including the examination of the books and records of the taxpayer, to the same extent as authorized by the county court clerk, and that the recorder and tax collector shall issue distress warrants for the collection of said tax, interest, and penalty as provided by the business tax act.

The minimum tax shall be fifteen (\$15.00) dollars per annum as provided by state law.

The recorder and tax collector is hereby authorized to collect a fee of five dollars (\$5.00), as provided by Tennessee Code Annotated, § 67-4-717. (1980 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 payment of the appropriate privilege tax. (1980 Code, § 6-302)

¹Municipal code reference

Authorization to collect privilege taxes from those who engage in the business of selling at retail alcoholic beverages for consumption on the premises: § 8-118.

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 (1980 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.

CHAPTER 5

LITIGATION TAX

SECTION

5-501. Tax levied.

5-502. Portion to be credited to municipal court.

5-501. Tax levied. The city litigation taxes in effect in the Municipal Court for the City of Dickson are the maximum amount allowable by state law. The city litigation tax applies to all cases in the Municipal Court for the City of Dickson. (Ord. #884, Oct. 1994, as replaced by Ord. #1043, Aug. 1999, and Ord. #1199, June 2006)

5-502. Portion to be credited to municipal court. The litigation taxes levied shall be paid to the city treasurer monthly and shall be applied as revenue to the City of Dickson Municipal Court. (Ord. #884, Oct. 1994, as replaced by Ord. #1043, Aug. 1999)

CHAPTER 6

PURCHASING PROCEDURES

SECTION

5-601. Purchases amounting to or more than \$10,000.00.

5-601. Purchases amounting to or more than \$10,000.00.

Purchases, leases and lease-purchases amounting to ten thousand dollars (\$10,000.00) or more shall be made or entered into only after public advertisement and competitive bid except as permitted by Tennessee Code Annotated, § 6-56-306. All other expenditures shall be in accordance with the City of Dickson Purchasing Limitations outlined in Attachment "A" of this section.

ATTACHMENT "A"

PURCHASING LIMITATIONS

The governing authority to make purchases, leases, and lease purchases singly or in the aggregate during any financial year, shall be as follows:

RANGE	PUBLIC ADVERTISING	COMPETITIVE BIDDING	GOVERNING AUTHORITY
\$00.01 - \$1,000.00			Department heads
\$1,000.00 - \$2,500.00		(Verbal)	City administrator
\$2,500.00 - \$5,000.00		X	Mayor
\$5,000.00 - \$10,000.00		X	Finance/management committee
\$10,000.00 and over	X	X	City council

(As added by Ord. #903, June 1995, and amended by Ord. #1292, Jan. 2011)

CHAPTER 7

HOTEL/MOTEL TAX

SECTION

- 5-701. Short title.
- 5-702. Definitions.
- 5-703. Levy of tax authorized.
- 5-704. Disposition of proceeds.
- 5-705. Collection-refund.
- 5-706. Remittance of tax.
- 5-707. Monthly tax return-annual audit.
- 5-708. No advertising of rebates.
- 5-709. Delinquent taxes-interest and penalty.
- 5-710. Records-inspection.
- 5-711. Administration and enforcement.
- 5-712. Deposit of funds.
- 5-713. Severability clause.

5-701. Short title. This chapter shall be known and cited as the Dickson Hotel/Motel Tax chapter. (as added by Ord. #1092, July 2001)

5-702. 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; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the space 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 any portion of any structure, 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, or accommodations are furnished to transients for a consideration.

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

(4) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation,

estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days. (as added by Ord. #1092, July 2001)

5-703. Levy of tax authorized. The Mayor and Council of the City of Dickson does hereby levy upon the occupancy in any hotel of each transient a privilege tax of two and one-half percent (2.5%), 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. (as added by Ord. #1092, July 2001, and amended by Ord. #1104, Sept. 2001, Ord. #1172, July 2005, and Ord. #1176, Aug. 2005)

5-704. Disposition of tax. The proceeds received by the City of Dickson shall be designated as general funds and shall be used for such general fund purposes as are authorized in the City of Dickson annual budget. (as added by Ord. #1092, July 2001)

5-705. Collection and refund. (1) 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 city.

(2) 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 from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Dickson. (as added by Ord. #1092, July 2001)

5-706. Remittance of tax. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the city to the tax assessor, such tax to be remitted to such officer not later than the twentieth (20th) 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 city entitled to such tax shall be that of the operator. (as added by Ord. #1092, July 2001)

5-707. Monthly tax return - annual audit. The tax assessor shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the tax assessor by the operator with such number of copies thereof as the tax assessor 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 tax assessor and approved by the city council prior to use. The tax assessor shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the city council. The city administrator is hereby authorized to establish reasonable rules and regulations for the implementation of the provisions of this chapter. (as added by Ord. #1092, July 2001)

5-708. No advertising of rebates. 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. (as added by Ord. #1092, July 2001)

5-709. Delinquent taxes - interest and penalty. Taxes collected by an operator which are not remitted to the tax assessor on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of twelve percent (12%) 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 a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00). (as added by Ord. #1092, July 2001)

5-710. Records - inspection. It is the duty of every operator liable for the collection and payment to the city of any 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 the payment to the city, which records the tax assessor shall have the right to inspect at all reasonable times. (as added by Ord. #1092, July 2001)

5-711. Administration and enforcement. The tax assessor 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 in Tennessee Code Annotated, title 67, or otherwise provided by law for the county clerks.

(1) Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, title 67, chapter 23, it being the intent of this chapter that the provision 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. The tax assessor shall also possess

those powers and duties as provided in Tennessee Code Annotated, § 67-1-707, for county clerks with respect to the adjustment and refunds of such tax.

(2) With respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this chapter shall be refunded by the city. The tax assessor shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the tax assessor and any suit brought for recovery of tax paid under protest shall name the tax assessor. (as added by Ord. #1092, July 2001)

5-712. Deposits of funds. The tax assessor is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in an account designated in accordance with § 5-704. (as added by Ord. #1092, July 2001)

5-713. Severability clause. The provisions of this chapter are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of the chapter shall continue to be in full force and effect, if being the legislative intent now hereby declared, that this chapter would have been adopted even if such unconstitutional or void matter had not been included herein. (as added by Ord. #1092, July 2001)