

**TITLE 5**

**MUNICIPAL FINANCE AND TAXATION<sup>1</sup>**

**CHAPTER**

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**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

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**5-101. Official depositories for city funds.** (1) City funds will be deposited in financial institutions which are either headquartered in the State of Tennessee or have significant business presence in Maury County or the City Of Mount Pleasant.

(2) The city will, at all times, utilize at least two (2) different financial institutions for deposit of city funds and may utilize up to four (4) financial institutions for said deposits.

(3) City funds will only be deposited in financial institutions which participate in the State of Tennessee Bank Collateral Pool.

(4) Excess or idle city funds may also be deposited in the Tennessee State Treasury Fund where municipalities can co-mingle funds with the state government to maximize interest rates earned. If utilized, this deposit vehicle will count as one of the four depositories utilized by the city.

(5) All financial institutions utilized will meet the collateral requirements specified by Tennessee state law.

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

Within the guidelines specified above, the city manager and director of administration/budget director will determine the financial institutions to be used for deposit of city funds in a manner that best serves the city's business interests, maximizes city operating efficiencies, and provides the best security for city funds. If accounts are moved from one institution to another or if a change is made in the financial institutions used, the board of commissioners will be promptly advised in writing or at their next regularly scheduled meeting if said meeting occurs within five (5) business days.<sup>1</sup> (Ord. #2008-888, Nov 2008)

**5-102. Depository guidelines.** (1) City funds will be deposited in financial institutions which are either headquartered in the State of Tennessee or have significant business presence in Maury County or the City of Mount Pleasant.

(2) The city will, at all times, utilize at least two (2) different financial institutions for deposit of city funds and may utilize up to four (4) financial institutions for said deposits.

(3) City funds will only be deposited in financial institutions which participate in the State of Tennessee Bank Collateral Pool.

(4) Excess or idle city funds may also be deposited in the Tennessee State Treasury Fund where municipalities can co-mingle funds with the state government to maximize interest rates earned. If utilized, this deposit vehicle will count as one (1) of the four (4) depositories utilized by the city.

(5) All financial institutions utilized will meet the collateral requirements specified by Tennessee state law.

Within the guidelines specified above, financial institutions to be used for deposit of city funds shall be designated by ordinance in a manner that best serves the city's business interests, maximizes city operating efficiencies, and provides the best security for city funds. If accounts are moved from one institution to another or if a change is made in the financial institutions used, the board of commissioners will be promptly advised in writing or at their next regularly scheduled meeting if said meeting occurs within five (5) business days. (Ord. #2008-888, Nov. 2008, modified)

**5-103. Fiscal year.** The fiscal year of the city shall begin on the first day of July and end on the 30<sup>th</sup> day of June.<sup>2</sup> (1984 Code, § 6-103)

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<sup>1</sup>Charter reference

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

<sup>2</sup>Charter 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.

**5-104. Budget estimate.** The city manager shall, on or before the 15<sup>th</sup> day of May of each year, submit to the board of commissioners an estimate of the expenditures and revenue of the city for the ensuing fiscal year. (1984 Code, § 6-104)

**5-105. Appropriation of funds for non-profit organizations.**

(1) (a) Municipal funds for the financial aid of any non-profit charitable organization or any non-profit civic organization may be appropriated in accordance with the guidelines required by subsection (2).

(b) (i) For the purpose of this section "non-profit charitable organization" is one in which no part of the net earnings inures or may lawfully inure to the benefit of any private shareholder or individual and which provides year-round services benefitting the general welfare of the residents of the City of Mount Pleasant, Tennessee.

(ii) For the purposes of this section "non-profit civic organization" means a civic organization exempt from taxation pursuant to section 501(c)(4) or (c)(6) of the Internal Revenue Code of 1954, as amended, which operates primarily for the purpose of bringing about civic betterments and social improvements through efforts to maintain and increase employment opportunities in the municipality by promoting industry, trade, commerce, tourism and recreation by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational, and agricultural enterprises to locate in or remain in the municipality.

(2) Appropriations to non-profit organizations may be made only upon meeting the following guidelines:

(a) That municipal funds be appropriated only for non-profit charitable organizations and non-profit civic organizations as defined in subsection (b)(i) which provide services benefitting the general welfare of the residents of the municipality.

(b) That a separate resolution be adopted for each non-profit charitable or civic organization that is to receive municipal funds and that the resolution state the purpose for which the funds are being appropriated and the amount to be appropriated.

(c) That the budget document(s) specify, in detail, each non-profit charitable or civic organization by name and the specific amount that is appropriated for each non-profit charitable or civic organization.

(d) That payment to non-profit charitable or civic organizations be limited to the amounts appropriated for such purposes and in keeping with the proposed use of the contributed funds.

(e) That each non-profit charitable or civic organization to receive financial assistance from the municipality complete and file with

the city manager an application for the appropriation of municipal funds. Said application shall include a copy of an annual report of the organization's business affairs and transactions and the proposed use of the contributed funds. Such annual report shall include, but is not limited to, a copy of an annual audit and program identifying the services supplied to the residents of the municipality. The application shall be open for public inspection during regular business hours of the city clerk's office.

(f) Notice shall be published by the municipality in a newspaper of general circulation in the municipality of the intent to make an appropriation to a non-profit civic or charitable organization specifying the intended amount of the appropriation and the purpose for which the appropriation will be spent.

(g) The funds appropriated under this section shall be used and expended under the direction and control of the municipality in conjunction with the guidelines herein established and the procedures, as amended, of the State of Tennessee Comptroller of the Treasury.

(h) The application required by subsection (2)(e) shall be submitted by the city manager to the board of mayor and commissioners at the next regular meeting following the submission of said application to the city manager. (Ord. #98-789, April 1998)

**5-106. Leasing of public parking spaces.**<sup>1</sup> (1) The city manager is authorized to enter into binding contracts on behalf of the City of Mount Pleasant, Tennessee, to lease public parking spaces owned and designated by the city as such, without specific board approval, subject to the provisions of subsections (2) through (4) below.

(2) Only one single parking space shall be leased to any one person or business entity with the exception that any person or business entity owning or operating more than one business within the city may lease one parking space for each business owned or operated within the city. The term of any such lease shall be on a month to month basis at a monthly rental of ten dollars (\$10.00) per month, payable on or before the first day of the month. The city shall have the right by resolution to modify the monthly lease amount due upon any monthly renewal. Any space leased pursuant to this section shall be used only for business or commercial purposes related to the operation of the lessee's business and the number of leased spaces per each business is limited to one (1); provided, however, any person or business entity leasing more than one space as of the effective date hereof, shall be entitled to retain the additional lease space for the balance of the existing monthly term thereof.

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<sup>1</sup>Municipal code reference

Motor vehicles, traffic and parking: title 15.

(3) In addition to the rental described in the preceding paragraph, upon the initial lease of any parking space, the person or business entity leasing same shall be responsible for the costs of marking or designating the lease space in a manner consistent with the marking or designation of other public and/or city-leased spaces within the city, including the cost of signage and installation of such signage. The person or business entity leasing such space shall pay in advance of the lease term the market cost as established by the city manager of marking or designating the lease space, including the cost of signage and installation of such signage. The city manager may modify said amount from time to time as cost adjustments occur. Further, the lessee shall be responsible for removing lessee's markings and/or designation and restoring the markings on the leased space to the condition of those markings on either side of said space and/or those generally existing within the city upon termination of the lease by either party.

(4) Either party to a lease entered into pursuant to this section may terminate the lease upon thirty (30) days advance written notice and the lessee shall not transfer, sublease or assign any lease entered into hereunder without the prior written approval of the city manager. Upon the termination (for any reason) of a lease entered into pursuant to this section, the city shall be entitled to immediate possession of the leased space without further notice or court approval and the burden of proving entitlement to possession shall shift to the lessee. (Ord. #2000-818, Sept. 2000)

## CHAPTER 2

### REAL PROPERTY TAXES

#### SECTION

5-201. When due and payable and delinquent; penalties.

5-202. Partial payments.

**5-201. When due and payable and delinquent; penalties.** All real property taxes due the city shall be due and payable and delinquent on the same dates as prescribed by law for property taxes due the county and shall thereupon be subject to such interest and penalty as is authorized and prescribed by the state law for delinquent county property taxes. (1984 Code, § 6-401)

**5-202. Partial payments.** (1) The city shall accept partial payments of annual real property taxes beginning in November 2014, and in November each year thereafter. Notwithstanding the schedule set forth below, the entire amount of taxes due must be paid in full on or by the 28th day of February 2015, and each year thereafter.

(2) Partial payments will be accepted according to the following schedule:

(a) Partial payments of real property taxes in increments of no more than four (4) payments during the months of November, December, January and February.

(b) Such payments must be in the amount of fifty dollars (\$50.00) or more, except for the final payment.

(c) Partial payments made after the delinquency date will first be applied to any outstanding penalties and/ or interest due, and then to the remaining tax balance due.

(d) If the entire balance due is not paid prior to the delinquency date for such taxes the entire property shall be subject to a tax lien enforcement sale or other legally authorized procedures.

(3) Prior to the final reading of this ordinance, the city recorder shall transmit to the state comptroller of the treasury a copy of this ordinance, which shall serve as the plan required by Tennessee Code Annotated, § 6-56-109(b). To fulfill the requirements of that section, the city hereby declares that:

(a) The city has the appropriate accounting technology to implement this program; and

(b) The city can implement this program within existing resources. (as added by Ord. #2014-976, Oct. 2014)

**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 of Mount Pleasant at the rates and in the manner prescribed by the act. (1984 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 such applicant's payment of the appropriate privilege tax and collection and recording fee. (1984 Code, § 6-202)

## 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.<sup>1</sup> (1984 Code, § 6-301)

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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 5**

**MUNICIPAL LITIGATION TAX**

**SECTION**

5-501. Levying of a municipal litigation tax.

**5-501. Levying of a municipal litigation tax.** On all cases in the Mt. Pleasant Municipal Court there is hereby levied a municipal litigation tax to match the state litigation tax (currently thirteen dollars and seventy-five cents (\$13.75)). The municipal taxes collected shall be paid to the city recorder monthly to be used for any municipal purpose including, but not limited to, operating the city court and the police department. (Ord. #2002-832, Oct. 2002, modified, as amended by Ord. #2010-908, May 2010)

**CHAPTER 6**

**PURCHASING**

**SECTION**

5-601. Authority.

5-602. [Repealed.]

5-603. [Repealed.]

5-604. [Repealed.]

**5-601. Authority.** (1) In accordance with Tennessee Code Annotated, §§ 6-19-104 and 6-56-302, the purchase of all materials, supplies, equipment and services purchased under the authority of this chapter shall, unless otherwise provided by law, be purchased in accordance with City of Mount Pleasant Purchasing Rules, Regulations and Procedures, November 2017, which rules, regulations and procedures are incorporated herein as if fully copied verbatim and are available in the office of the city recorder.

(2) The Mount Pleasant Surplus Property Policy is adopted and shall be the official guideline for the sale or disposition of the city's surplus property. The surplus property policy is adopted by reference and incorporated herein as if fully copied verbatim and is available for in the office of the city recorder. (Ord. #94-754, March 1994, as repealed and replaced by Ord. #2011-922, Feb. 2011, amended by Ord. #2013-958, Sept. 2013, and replaced by Ord. #2017-1012, Nov. 2017)

**5-602. [Repealed.]** (Ord. #94-754, March 1994, as repealed by Ord. #2011-922, Feb. 2011)

**5-603. [Repealed.]** (Ord. #94-754, March 1994, as repealed by Ord. #2011-922, Feb. 2011)

**5-604. [Repealed.]** (Ord. #94-754, March 1994, as repealed by Ord. #2011-922, Feb. 2011)

**CHAPTER 7**

**DEBT POLICY**

**SECTION**

5-701. Model debt policy.

**5-701. Model debt policy.** The document entitled City of Mount Pleasant Debt Policy effective January 1, 2012, is hereby approved as the Debt Policy of the City of Mount Pleasant, Tennessee for the purposes described in the preamble of the ordinance comprising this section and stated in the footnote below.<sup>1</sup> A copy of said debt policy is annexed hereto and incorporated herein as if fully copied verbatim in all respects as Exhibit A. (as added by Ord. #2011-938, Dec. 2011)

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<sup>1</sup>The State of Tennessee, through the office of the State Comptroller, has previously sought written comment on debt management practice; and it has been recommended that all municipalities update and/or establish a specific debt policy and it is appropriate to do so.