

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES GENERALLY.
4. WHOLESALE BEER TAX.
5. HANDLING OF CORPORATE FUNDS.
6. PURCHASING PROCEDURES.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Fiscal year.

5-101. Fiscal year. The fiscal year of the Town of Monterey shall begin on the first day of July each year and end the 30th day of the following June of each year. (1980 Code, § 6-101)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-203. Property tax rate.

5-201. When due and payable.¹ Taxes levied by the town against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1980 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest and collection procedures as are authorized and prescribed by the state law for delinquent county real property taxes.³ (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 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,

(continued...)

5-203. Property tax rate. (1) There shall be a property tax levy of the certified tax rate on each one-hundred dollars of taxable property, assessed at 25% for real property, 40% for commercial property, 55% for public utilities, and 30% for personal property within the corporate limits of Monterey, Tennessee. Said property taxes to be allocated on the following basis:

General Fund	\$1.02
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(2) Said property taxes shall be due and payable on the first day of October, 2004, and shall accrue interest from and after the first day of March 2005, as provided by state law. As soon after the first day of March 2005, as is practical, but in no event later than October 2005, it shall be the duty of the city clerk to present to the Putnam County Clerk and Master a certified list of all delinquent taxes, which the clerk and master shall proceed, according to law, to collect the same and make his or her return thereon no later than December 1, 2005.

(3) There is hereby levied by and for the use of the Town of Monterey, Tennessee, a business tax upon merchants and other vocations, occupations, and businesses doing business of exercising a taxable privilege as defined by the Business Tax Act of the State of Tennessee and all amendments thereto. The proceeds of the business tax levy shall accrue to the general fund.

(4) All other revenue not herein provided for shall be allocated as directed by the board of mayor and aldermen. All revenues received from the operations of the water department shall accrue to the water department.

(5) All prior year tax collections shall be allocated to the various funds on the basis of the tax rate allocation for that tax year. (Ord. #351, _____, as amended by Ord. # 367, April 1998, and replaced by Ord. #415, Sept. 2003, and Ord. #423, Nov. 2004)

(...continued)

§ 67-5-2005.

CHAPTER 3

PRIVILEGE TAXES GENERALLY

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 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. The proceeds of the privilege taxes levied herein shall accrue to the general fund. (1980 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the Town of Monterey 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)

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 town 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

HANDLING OF CORPORATE FUNDS

SECTION

5-501. All funds to be deposited promptly.

5-502. Street aid funds.

5-503. General funds.

5-504. Disbursements.

5-505. Recorder to keep financial records and make reports.

5-506. Chapter not applicable to water and cemetery funds.

5-501. All funds to be deposited promptly. All revenues received by authorized officials or employees of the Town of Monterey shall be promptly deposited in such federally insured bank or banks as may be hereafter approved and designated by appropriate resolution of the board of mayor and aldermen.

Each officer or employee depositing such funds shall take the bank's receipt for same which shall be a valid receipt to the officer or employee making such deposit. (1980 Code, § 6-501)

5-502. Street aid funds. All street aid funds received from the State of Tennessee shall be deposited in such approved bank or banks in an account designated as "Mayor and Aldermen of Monterey, Tennessee, Street Aid Fund Account." (1980 Code, § 6-502)

5-503. General funds. All funds received from licenses, taxes, fines, and costs, other funds received from the State of Tennessee, and all other monies received by the Town of Monterey, except funds received by the board of waterworks commissioners and the Welch Memorial Cemetery Account, shall be deposited in such bank or banks in an account designated "Mayor and Aldermen of Monterey, Tennessee, General Fund Account." (1980 Code, § 6-503)

5-504. Disbursements. All disbursements of such funds shall be approved by the board of mayor and aldermen and shall be made by checks drawn against the accounts hereinabove named, such checks to be signed by the mayor and countersigned by the recorder.

In the case of severe illness or prolonged absence of either the mayor or the recorder, the chairman of the finance committee, a standing committee appointed by the mayor, is hereby authorized to sign or countersign such checks in the place and stead of the mayor or recorder, but not for both officers on the same check. (1980 Code, § 6-504)

5-505. Recorder to keep financial records and make reports. The recorder shall keep adequate financial records including detailed reports of all

funds received and disbursed through the street aid fund or general fund accounts and shall make financial reports to the mayor and aldermen when called upon and, in any event, shall make a report at the regular meeting of the board of mayor and aldermen held in the months of January, April, July, and October of each year. (1980 Code, § 6-505)

5-506. Chapter not applicable to water and cemetery funds. This chapter shall not alter, change, or amend the fiscal procedure of the board of waterworks commissioners or that of the Welch Memorial Cemetery accounts, fiscal procedures for these departments having been previously provided for in other ordinances. (1980 Code, § 6-506)

CHAPTER 6

PURCHASING PROCEDURES

SECTION

5-601. Purchasing agent and purchasing procedures

5-601. Purchasing agent and purchasing procedures. (1) As provided in TCA, § 6-56-301, et seq., the office of purchasing agent is hereby created and the mayor shall faithfully discharge the duties of said office or appoint an individual to make purchases for the Town of Monterey. 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 board of mayor and aldermen, changes or revisions to the purchasing procedures shall be made only by resolution. (1980 Code, § 6-102)