

TITLE 5

FINANCE AND TAXATION

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CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Fiscal year.
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- 5-103. Official depository for city funds.
- 5-104. Dollar amount for public advertisement and competitive bidding.
- 5-105. One-time waiver of county school bond proceeds.

5-101. Fiscal year. The fiscal year of the city shall begin on the first day of July and end on the 30th day of the following June. (1988 Code, § 6-101)

5-102. No purchases from firms owing delinquent business taxes. No purchase shall be made or purchase order or contract of purchase issued for tangible personal property or services by city officials or employees, acting in their official capacity, from any firm or individual whose business tax or license is delinquent. (1988 Code, § 6-102)

5-103. Official depository for city funds. (1) All financial institutions or branches located in Dayton, Tennessee are hereby designated the official depositories for the City of Dayton. All deposits totaling more than one hundred thousand dollars (\$100,000.00) shall be secured in a manner satisfactory to the city recorder. All other deposits shall be insured by an agency of the federal government.

(2) In addition, for the temporary investment of City of Dayton funds, those investments authorized by the State of Tennessee, specifically as set forth in Tennessee Code Annotated § 6-56-106, as may be amended from time to time, are allowed upon prior approval by a majority vote of the city council for the City of Dayton, Tennessee. (1988 Code, § 6-103, as replaced by Ord. #559, Oct. 2012)

5-104. Dollar amount for public advertisement and competitive bidding. Public advertisement and competitive bidding will be required for any item that comes within the purchasing law in excess of ten thousand (\$10,000.00) dollars. (1988 Code, § 6-104, as replaced by Ord. #532, July 2010)

5-105. One-time waiver of county school bond proceeds. The city hereby exercises a one-time waiver of any rights it might have to any portion of the proceeds of the county school bond issue that will be used for repairs to the existing high school to be converted to a county middle school upon completion of the new high school since:

(1) The county will pay a portion of the debt service payments on the county school bonds from local option sales tax revenues that have already been shared with the city, and

(2) The city school students will benefit from such expenditures. As a result, the city desires to waive any rights it might have to any portion of the county's school bond issue that will be used to make repairs to the existing high school for its later use as a middle school for the county and repeals all resolutions and ordinances contrary to this provision. However, this one-time waiver does not affect the distribution of the local option sales tax currently in place. (as added by Ord. #554, Oct. 2011)

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. (1988 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 as is authorized and prescribed by the state law for delinquent county real property taxes. (1988 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.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

5-304. Annual privilege tax to be paid to the city recorder.

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 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. (1988 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective to each applicant therefor upon the applicant's payment of the appropriate privilege tax and clerks fee of five dollars (\$5.00). (1988 Code, § 6-302, modified)

5-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, and any amendments thereto, there is hereby levied a privilege tax (in the same amounts as levied by Tennessee Code Annotated, § 57-4-301 for the City of Dayton General Fund to be paid annually as provided in this chapter) upon any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc. engaging in the business of selling at retail in the City of Dayton alcoholic beverages for consumption on the premises where sold. It is the intent of the city council that the said Tennessee Code Annotated, § 57-4-301, and any amendments thereto shall be effective in Dayton, Tennessee, the same if the said Tennessee Code Annotated section was adopted and copied herein verbatim. (as added by Ord. #540, Feb. 2011)

5-304. Annual privilege tax to be paid to the city recorder. Any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc. exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Dayton shall remit annually to the city recorder the appropriate tax described

in § 8-103. Such payment shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person or legal entity regardless of its form of existence, i.e., sole proprietorship, corporation, limited liability company, partnership, etc., failing to make payment of the appropriate tax when due shall be subject to any penalty provided by law, including revocation of the privilege of selling alcoholic beverages for consumption on the premises in the City of Dayton. (as added by Ord. #540, Feb. 2011)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The city 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 (1988 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

CREDIT CARD AND DEBIT CARD PAYMENTS

SECTION

5-501. Credit card and debit card payments.

5-501. Credit card and debit card payments. (1) The City of Dayton may accept credit card and/or debit card payments for utility charges, property taxes, permits, fees, business licenses, applications, fines and court costs.

(2) The City of Dayton shall charge and collect a processing fee that is equal to the amount paid to the third party processor for processing the payment. However, the processing fee shall not be set in an amount that exceeds five percent (5%) of the amount of the payment collected by credit card or debit card.

(3) In the event that the credit card or debit card company issuing the card does not honor payment of the charge, the City of Dayton shall collect the same fee that it normally charges for returned checks and this fee shall be in addition to the normal fee for using a credit card or debit card for payment of utility bills.

(4) The City of Dayton shall state on any notice to the person owing the utility charges, property taxes, permits, fees, business licenses, applications, fines and/or court cost either the percentage of the processing fee for use of a credit card or debit card or the actual fee imposed for the use of a credit card or debit card.

(5) The City of Dayton shall file a pre-implementation statement with the comptroller's office, as required by Tennessee Code Annotated, § 47-10-119, thirty (30) days prior to implementing the processing fees set forth herein. The City of Dayton shall provide to the Comptroller of the Treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a pre-implementation statement has been filed with the comptroller's office. (as added by Ord. #563, Jan. 2014)