

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

1. PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. LITIGATION TAX.
5. PURCHASING PROCEDURES.

**CHAPTER 1****PROPERTY TAXES****SECTION**

- 5-101. When due and payable.  
5-102. When delinquent--penalty and interest.  
5-103. Collection of delinquent taxes.

**5-101. When due and payable.**<sup>2</sup> Taxes levied by the city against real and personal property shall become due and payable annually to the City of Decherd on the first Monday of October of the year for which levied. (1993 Code, § 5-101, modified)

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<sup>1</sup>Charter references

Corporate taxes: § 16.  
Delinquent taxes: § 13.

<sup>2</sup>State 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.

**5-102. When delinquent--penalty and interest.**<sup>1</sup> 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.<sup>2</sup> (1993 Code, § 5-102)

**5-103. Collection of delinquent taxes.** The city may collect delinquent personal property taxes by distraint (distress warrant) under the procedures set out in *Tennessee Code Annotated*, § 67-5-2003. (Ord. #356, Jan. 2011)

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<sup>1</sup>Charter 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 one-half of one percent (0.5%) and interest of one percent (1%) shall be added on the first day of March following the tax due date and on the first day of each succeeding month.

<sup>2</sup>Charter and state law references

A municipality has the option of collecting delinquent property taxes any one (1) of three (3) ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes;
- (2) Under *Tennessee Code Annotated*, §§ 6-55-201 to 6-55-206, or
- (3) By the county trustee under *Tennessee Code Annotated*, § 67-5-2005.

## CHAPTER 2

### PRIVILEGE TAXES<sup>1</sup>

#### SECTION

5-201. Tax levied.

5-202. License required.

**5-201. 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 Decherd at the rates and in the manner prescribed by the said act. (1993 Code, § 5-201)

**5-202. License required.** No person shall exercise any such privilege within the City of Decherd without a currently effective privilege license, which shall be issued by the mayor to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1993 Code, § 5-202)

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<sup>1</sup>Municipal code reference

For privilege tax provisions for on-premises consumption of alcoholic beverages and the recorder's responsibility see title 8, chapter 3.

**CHAPTER 3****WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

**5-301. 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> (1993 Code, § 5-301)

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, title 57, chapter 6 provides for a tax of thirty-five dollars and sixty cents (\$35.60) per barrel 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 4****LITIGATION TAX****SECTION**

5-401. Litigation tax.

**5-401. Litigation tax.** All fines, penalties, and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs as already stated in § 3-108 of the Decherd Municipal Code. Such costs shall be payable directly to the City of Decherd, and shall be assessed against all cases within the jurisdictional limit of the City of Decherd, Tennessee. Provided further, that this section shall also conform to the provisions of section 5 of the city charter.

A litigation tax of thirteen dollars and seventy-five cents (\$13.75) shall be assessed and taxed as part of the costs in all civil cases instituted in the city court of Decherd, Tennessee.

Further, a litigation tax of fifteen dollars (\$15.00) be assessed and taxed as part of the costs in all criminal actions originating in the city court of Decherd, Tennessee.

The city recorder/city judge of said court shall collect said litigation tax and shall disburse from the litigation tax collected as follows:

(1) Thirteen dollars and seventy-five cents (\$13.75) of each litigation tax collected on civil cases shall go directly to the City of Decherd General Fund to aid in the operation and maintenance of the city.

(2) Fifteen dollars (\$15.00) of each litigation tax collected on criminal cases shall go to the City of Decherd General Fund to aid in the operation and maintenance of the city.

All expenditures made by the city from said funds shall be with the approval of the city council.

All litigation taxes contained in this amendment shall not be transferred unless actually collected. (1993 Code, § 5-401, modified)

## CHAPTER 5

### PURCHASING PROCEDURES

#### SECTION

5-501. Office of purchasing agent created.

5-502. Duties of purchasing agent.

5-503. Changes to purchasing procedures.

5-504. Additional regulations to the 1983 Purchasing Law.

5-505. Utility district purchasing policy.

**5-501. Office of purchasing agent created.** As provided in *Tennessee Code Annotated*, § 6-56-301 *et seq.*, the office of purchasing agent is hereby created and the city recorder shall faithfully discharge the duties of said office or appoint an individual to make purchases for the City of Decherd. 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. (1993 Code, § 5-501)

**5-502. Duties of purchasing agent.** 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. (1993 Code, § 5-502)

**5-503. Changes to purchasing procedures.** After initial approval by resolution of the governing body of the City of Decherd, changes or revisions to the purchasing procedures shall be made by resolution. (1993 Code, § 5-503)

**5-504. Additional regulations to the 1983 Purchasing Law.** The following shall be additional regulations to the 1983 Purchasing Law for the City of Decherd. All purchases over fifty dollars (\$50.00) shall require a purchase order before purchase. Any item over five hundred dollars (\$500.00) is required to be backed up by verbal or written bids. Advertised sealed bids are required for items of two thousand five hundred dollars (\$2,500.00) or more. (1993 Code, § 5-504)

**5-505. Utility district purchasing policy.** Utility district purchasing procedures are governed by ordinance.<sup>1</sup> (1993 Code, § 5-505)

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<sup>1</sup>The utility district purchasing procedures ordinance, and any amendments thereto, are of record in the office of the recorder.