

## TITLE 5

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

#### CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. HOTEL/MOTEL TAX.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 5-101. Fiscal year.  
5-102. Depositories for city funds.

**5-101. Fiscal year.** The fiscal year shall begin on July 1 of each year and end on June 30 of the following year.<sup>2</sup> (2000 Code, § 5-101)

**5-102. Depositories for city funds.**<sup>3</sup> The official depository of all city funds shall be the following:

Pinnacle Financial Partners is hereby designated as the depository for the municipal funds of the City of Goodlettsville.

Pinnacle Financial Partners shall be required at all times herein to meet the requirements by securing pursuant to state law all funds by collateral in the same manner and under the same conditions as state deposits are required under Tennessee Code Annotated, title 9, chapter 4, part 5. (2000 Code, § 5-102, as amended by Ord. #05-658, Aug. 2005)

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<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.

<sup>3</sup>Charter reference

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

## CHAPTER 2

REAL PROPERTY TAXES<sup>1</sup>

## SECTION

5-201. When due and payable.

5-202. When delinquent penalties.

**5-201. When due and payable.**<sup>2</sup> Taxes levied by the city against real property shall become due and payable annually on the first day of October of the year for which levied. (2000 Code, § 5-201)

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<sup>1</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.

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 each succeeding month.

<sup>2</sup>Charter references

Tennessee Code Annotated, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

**5-202. When delinquent penalties.**<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 penalties as are authorized and prescribed in § 6-22-112 of the city's charter.<sup>2</sup> (2000 Code, § 5-202)

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

<sup>2</sup>Charter reference

Tennessee Code Annotated, § 6-22-114 directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference

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, § 67-5-2005.

**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 at the rates and in the manner prescribed by the said act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (2000 Code, § 5-301)

**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. (2000 Code, § 5-302)

## 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 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> (2000 Code, § 5-401)

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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

### HOTEL/MOTEL TAX

#### SECTION

- 5-501. Definitions.
- 5-502. Tax levied.
- 5-503. Collection.
- 5-504. Remission to city.
- 5-505. Recorder to collect, develop report, audit, etc.
- 5-506. Operator can't advertise that he will assume tax.
- 5-507. Delinquent taxes; offenses by operators and/or transients.
- 5-508. Operators to keep records.
- 5-509. Additional powers of recorder; remedies available to tax payer.
- 5-510. Recorder to collect; disposition of proceeds.

**5-501. 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. 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 structures 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 cabin, tourist court, 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 the use or possession of any room, lodging 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) "Tourist related activities" means activities including but not limited to the planning and conducting of programs of information and publicity designed to attract to the City of Goodlettsville tourists, visitors and other interested persons from outside the area and further, the encouragement and coordination of the efforts of other public and private organizations or groups of

citizens to publicize the facilities and attractions of the area for the same purposes. It shall also mean the acquisition, construction and remodeling of facilities useful in the attraction and promoting of tourist, conventions and recreational business.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodging or accommodations in a hotel for a period of less than ninety (90) continuous days. (2000 Code, § 5-501)

**5-502. Tax levied.** There is hereby levied, assessed and imposed, and shall be paid and collected, a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to three percent (3%) 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 herein. (2000 Code, § 5-502)

**5-503. Collection.** Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the City of Goodlettsville. (2000 Code, § 5-503, as replaced by Ord. #15-833, Feb. 2015)

**5-504. Remission to city.** The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the City of Goodlettsville to the City Recorder of the City of Goodlettsville, such tax to be remitted to such officer no 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. (2000 Code, § 5-504)

**5-505. Recorder to collect, develop report, audit, etc.** The city recorder shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the city recorder by the operator with such number of copies thereof as the city recorder 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 city recorder and approved by the board of commissioners prior to use. The city recorder shall audit each operator in the City of Goodlettsville at least once per year and shall report on the audits made on a quarterly basis to the board of commissioners. (2000 Code, § 5-505)

**5-506. Operator can't advertise that he will assume tax.** 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. (2000 Code, § 5-506)

**5-507. Delinquent taxes; offenses by operators and/or transients.** Taxes collected by the operator which are not remitted to the city recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum and in addition, a 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. 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 declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). (2000 Code, § 5-507)

**5-508. Operators to keep records.** It shall be the duty of every operator liable for the collection and payment to the City of Goodlettsville of the 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 and payment to the City of Goodlettsville which records the city recorder shall have the right to inspect at all reasonable times. (2000 Code, § 5-508)

**5-509. Additional powers of recorder; remedies available to tax payer.** The city recorder or other authorized collector of the tax in administering and enforcing the provisions of this act shall have, as additional powers, those powers and duties with respect to collecting taxes as provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the tax payer shall have the remedy provided in Tennessee Code Annotated, title 67. The recorder shall also have all of those powers and duties as provided in Tennessee Code Annotated, § 67-1-707(b) with respect to the adjustment and settlement with tax payers of errors of taxes collected. Any tax paid under protest shall be paid to the city recorder. Any suit filed to recover taxes paid under protest may be brought by filing the same against the city recorder/recorder of the City of Goodlettsville. (2000 Code, § 5-509)

**5-510. Recorder to collect; disposition of proceeds.** The city recorder is hereby charged with the duty of collection of the tax herein levied and the proceeds received by the City of Goodlettsville from the tax shall be used exclusively for tourist related activities within the City of Goodlettsville as required by Tennessee Code Annotated, § 7-4-110(b). (2000 Code, § 5-510)