

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PURCHASING REGULATIONS.

CHAPTER 1**MISCELLANEOUS****SECTION**

5-101. Official depositories for town funds.

5-101. Official depositories for town funds. The Oneida Bank and Trust Company, First National Bank, and First Trust and Savings Bank are hereby designated as the official depositories for all municipal funds. (1983 Code, § 6-101)

¹Charter reference: § 15.

CHAPTER 2

REAL 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 municipality against real property shall become due and payable on the date fixed in the town's charter.² (1983 Code, § 6-201)

5-202. When delinquent--penalty and interest.³ All real property taxes shall become delinquent on the date fixed in the town's charter and shall thereupon be subject to such penalty and interest as is authorized and

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 reference: § 15.

³Charter 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.

prescribed by the state law for delinquent county real property taxes.¹ (1983 Code, § 6-202)

¹Charter 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, § 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 town at the rates and in the manner prescribed by the act. (1983 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the town 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. (1983 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 (1983 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

PURCHASING REGULATIONS

SECTION

- 5-501. General procedure.
- 5-502. Purchases greater than \$4,000.00.
- 5-503. Authorization of non-competitive contracts.
- 5-504. Purchases less than \$4,000.00 but more than \$1,000.00.
- 5-505. Bid deposits.
- 5-506. Rejection of bids.
- 5-507. Bids not to be accepted from persons in default on payments due town.
- 5-508. Considerations in determining lowest responsible bidder.
- 5-509. Performance bond.
- 5-510. Waiver of bid requirements.
- 5-511. Officers and employees not to have financial interest.

5-501. General procedure. Competitive bids on all supplies, equipment and services, except those specified elsewhere in this chapter, and contracts for public improvements, shall be obtained, whenever practicable, and the purchase or contract awarded to the lowest responsible bidder, provided that any or all bids may be rejected as prescribed hereinafter. (Ord. #612, Oct. 1992)

5-502. Purchases greater than \$4,000.00. Formal sealed bids should be obtained in all transactions involving expenditures equal to or greater than four thousand dollars (\$4,000.00), subject to the exceptions set forth hereinafter and contained in Tennessee Code Annotated, § 6-56-304. Said transactions shall be evidenced by a written agreement or contract. Said transaction shall be expressly approved by the board of mayor and aldermen. Where formal sealed bids are required by this chapter, an announcement that bids are to be received shall be publicly advertised in a newspaper of general circulation within the Town of Oneida. (Ord. #612, Oct. 1992)

5-503. Authorization of non-competitive contracts. In cases where the board of mayor and aldermen indicate by unanimous resolution of those present at the meeting, based upon the recommendation of the mayor, that it is clearly to the advantage of the town not to contract with competitive bidding, it may authorize non-competitive contracts. (Ord. #612, Oct. 1992)

5-504. Purchases less than \$4,000.00 but more than \$1,000.00. All purchases, leases, or lease-purchase arrangements with expenditures of less than four thousand dollars (\$4,000.00) but more than one thousand dollars (\$1,000.00) in any fiscal year may be made in the open market without public

advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids, provided, however, that the exceptions to competitive bidding requirements set forth in Tennessee Code Annotated, § 6-56-304, shall be applicable to such transactions. Such expenditures shall be expressly approved by the board of mayor and aldermen. For recurring, normal and routine purchases of materials, supplies or services, competitive bids shall not be required for each purchase but shall, whenever possible, be obtained at least on an annual basis. Purchases, leases, or lease-purchases in any fiscal year involving expenditures of one thousand dollars (\$1,000.00) or less, but more than four hundred dollars (\$400.00), shall not require any public advertisement but shall, whenever practical and feasible, be based upon at least two competitive bids, provided, however, that exceptions to competitive bidding requirements applicable to larger transactions shall also apply to these transactions. (Ord. #612, Oct. 1992)

5-505. Bid deposits. When deemed necessary, bid deposits shall be prescribed and noted in the public notices inviting bids. The deposit shall be in such amount as the board of mayor and aldermen shall determine and unsuccessful bidders shall be entitled to return of the deposits where such has been required. A successful bidder shall forfeit any required deposit upon failure on his part to enter a contract within ten (10) days after the award. (Ord. #612, Oct. 1992)

5-506. Rejection of bids. The board of mayor and aldermen shall have and hereby are granted the authority to reject any and all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in any proposed contract or bid, when the public interest will be served thereby. (Ord. #612, Oct. 1992)

5-507. Bids not to be accepted from persons in default on payments due town. The board of mayor and aldermen shall not accept the bid of any vendor or contractor who is in default on the payment of any taxes, licenses, fees or other monies of whatever nature that may be due the town by such vendor or contractor. (Ord. #612, Oct. 1992)

5-508. Considerations in determining lowest responsible bidder. In determining the lowest reasonable bidder, as referred to in § 5-507 above, the board of mayor and aldermen may consider but are not limited to the following factors:

- (1) The location of the business of the bidder.
- (2) The ability, capacity and skill of the bidder to perform the contract or provide the services required.

- (3) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- (4) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (5) The quality of performance of previous contracts of services.
- (6) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
- (7) The sufficiency of the financial resources and economic ability of the bidder to perform the contract or provide the services.
- (8) The quality, availability and adaptability of the supplies or contractual services to the particular use required.
- (9) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- (10) The number and scope of conditions attached to the bid. (Ord. #612, Oct. 1992)

5-509. Performance bond. The board of mayor and aldermen shall and hereby are granted the authority to require a performance bond, before entering a contract, in such amount as they shall find reasonably necessary to protect the best interest of the town. (Ord. #612, Oct. 1992)

5-510. Waiver of bid requirements. The board of mayor and aldermen by written resolution, upon recommendation of the mayor that is clearly to the advantage of the town not to contract by competitive bidding, may waive the requirement of competitive bidding. This section shall not apply to work done or services performed by salaried employees of the town. (Ord. #612, Oct. 1992)

5-511. Officers and employees not to have financial interest. No purchase shall be made from nor any contract for purchase of services made with any officer or employee of the town or any firm or corporation in which any officer or employee of the town is financially interested. No officer or employee of the town shall accept, directly or indirectly, any fee, rebate, money, or other thing of value from any person employed by or doing business with the Town except on behalf of and for the use of the town. (Ord. #612, Oct. 1992)