# TITLE 5

# MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. PURCHASING REGULATIONS.
5. LITIGATION TAX.
6. BUDGET.

## CHAPTER 1

## REAL 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.**[2] Taxes levied by the municipality against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1985 Code, § 6-101)

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[1]Charter references
Budget and appropriations: art. XIII.
Sinking fund: art. XIV.
Taxation and revenue: art. XII.

[2]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.**[1] 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 charter.[2] (1985 Code, § 6-102)

**5-103.** **Collection of delinquent taxes.** The city attorney shall be the delinquent tax attorney for the city and is directed to initiate actions to enforce the collection of delinquent taxes by suit or otherwise. (1985 Code, § 6-103)

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[1]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 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.

[2]Charter 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 2

## PRIVILEGE TAXES

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 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 city at the maximum rate and in the manner prescribed by the said act. (1985 Code, § 6-201)

**5-202. License required.** No person shall exercise any such privilege within the City of Lewisburg without a current and valid privilege license, which shall be issued by the treasurer to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1985 Code, § 6-202, modified)

# CHAPTER 3

## WHOLESALE BEER TAX

**SECTION**

5-301. To be collected.

**5-301. To be collected.** The treasurer 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] (1985 Code, § 6-301)

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[1]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 4

## PURCHASING REGULATIONS

**SECTION**

5-401. Purchasing amount allowed without public advertising.

**5-401. Purchasing amount allowed without public advertising.** Pursuant to Tennessee Code Annotated, § 6-56-306, the City of Lewisburg hereby increases the amount to ten thousand dollars ($10,000) before public advertising is required, and any reference to the three thousand five hundred dollar ($3,500) limit shall be deemed ten thousand dollars ($10,000). (Ord. #96-14, Jan. 1997, modified, as amended by Ord. #07-09, Sept. 2007)

# CHAPTER 5

## LITIGATION TAX

**SECTION**

5-101. Litigation tax levied.

**5-101. Litigation tax levied**. Effective on the first (1st) day of the month following the passage of the ordinance comprising this chapter, the city litigation taxes in the City of Lewisburg City Court shall be as follows:

(1) On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of seventeen dollars and seventy-five cents ($17.75) for civil cases and twenty-nine dollars and fifty cents ($29.50) for criminal cases.

(2) The privilege taxes levied pursuant to this chapter shall be paid to the city recorder monthly to be used for any municipal purposes. (as added by Ord. #07-11, Nov. 2007)

# CHAPTER 6

## BUDGET

**SECTION**

5-601. Unobligated funds and fund balance.

**5-601. Unobligated funds and fund balance.** (1) The balance of unobligated funds shall remain at or above thirty percent (30%) of the annual operating budget[1] of the City of Lewisburg; however, in cases of financial need, the city council, by a simple majority may authorize the encroachment and expenditure of unobligated funds which lowers the balance of said funds below said thirty percent (30%).

(2) Fund balance at prior year end to be used as a measurement. (as added by Ord. #15-13, Dec. 2015)

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[1]Operating budget to exclude grants and capital expenditures.