

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. SALES TAX.
4. WHOLESALE BEER TAX.
5. LITIGATION TAX.

CHAPTER 1

REAL PROPERTY TAXES

SECTION

- 5-101. When due and payable.
5-102. When delinquent--penalty and interest.
5-103. Chapter 50, Public Acts of 1939, not applicable.

5-101. When due and payable. 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. (1968 code, § 6-101)

5-102. When delinquent--penalty and interest. 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 interest at the rate of one percent (1%) per month. (1968 code, § 6-102, modified)

5-103. Chapter 50, Public Acts of 1939, not applicable. After September 1, 1939, Chapter 50 of the public acts of 1939 shall not be applicable to delinquent municipal taxes owing and due Lebanon, Tennessee. (1968 code, § 6-103)

¹Charter references: Articles II, VII, XI, and XII.

CHAPTER 2

PRIVILEGE TAXES¹

SECTION

5-201. Tax levied.

5-202. License required.

5-203. Enforcement.

5-204. Penalty and/or interest for delinquency.

5-201. Tax levied. 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 City of Lebanon privilege tax in the maximum amount allowed by state laws.

The taxes provided for in the state's "Business Tax Act" (title 67, chapter 4, part 7, Tennessee Code Annotated) 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 that act.

The provisions of the General Revenue Act of the State of Tennessee which are applicable to municipal corporations are incorporated herein by reference to the same extent and for the same purposes as if those sections of the General Revenue Act of the State of Tennessee were copied herein verbatim. (1968 code, § 6-301, modified)

5-202. License required. No vocation, occupation, or business subject to the privilege tax hereinbefore levied shall be exercised within the corporate limits of the City of Lebanon until the owner or a representative thereof has first procured a privilege license and executed a bond where a bond is required by the laws of the State of Tennessee. Any person, firm, or corporation guilty of exercising any such vocation, occupation, or business declared to be a privilege without having procured the license, shall be deemed guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this code. (1968 code, § 6-302)

5-203. Enforcement. The commissioner of finance and revenue of the City of Lebanon shall enforce the collection of all privilege taxes. For the purpose of enforcing them, he shall have and be authorized to exercise all of the powers by law vested in, and shall follow all of the procedures or methods prescribed for, county court clerks in enforcing those collections and shall be

¹Municipal code reference
Privilege tax on liquor-by-the drink: § 8-115.

entitled to assess and receive the same fee provided for county court clerks. (1968 code, § 6-303)

5-204. Penalty and/or interest for delinquency. It shall be the duty of each taxpayer to pay the privilege tax levied hereunder promptly when it becomes due. In case any such tax is not promptly paid within the time required by law for similar county and state taxes, there shall be imposed and collected by the commissioner of finance and revenue of the City of Lebanon the same penalty and/or interest which is provided for and imposed in connection with the collection of such taxes by county court clerks in reference to taxes imposed for county and state purposes. (1968 code, § 6-304)

CHAPTER 3

SALES TAX¹

SECTION

5-301. Tax levied.

5-302. Effective date.

5-303. Collection.

5-304. Suits for illegally assessed or collected taxes.

5-305. Certified copy of ordinance to be sent to Tennessee Department of Revenue.

5-301. Tax levied. As authorized by Tennessee Code Annotated, §§ 67-6-701--67-6-712, as amended, there is levied a tax in the same manner and on the same privileges subject to the Retailers' Sales Tax Act under Chapter 6, parts 1-6, Title 67, T.C.A. as the same may be amended, which are exercised in Lebanon, Tennessee. The tax is levied on all such privileges at a rate of three twenty seconds of the rate levied in the Retailers' Sales Tax Act, Chapter 6, Parts 1-6, Title 67, T.C.A., as amended, except as limited or modified by statute. (Ord. 89-737, § 1)

5-302. Election date. If a majority of those voting in the election required by T.C.A. 67-6-706 vote for the ordinance, collection of the tax levied by this chapter shall begin on the first day of the month occurring 30 or more days after the county election commission makes its official canvass of the election returns. (Ord 89-737, § 2)

5-303. Collection. It having been determined by the department of revenue of the State of Tennessee that it is feasible for this tax to be collected by that department, that determination being evidenced by Local Option Sales and Use Tax Rules and Regulations heretofore promulgated by the department of revenue, the department shall collect the tax concurrently with the collection of the state tax in the same manner as the state tax is collected in accordance with rules and regulations promulgated by the department. The mayor and commissioner of finance and revenue are hereby authorized to contract with the department of revenue for the collection of the tax by the department, and to provide in the contract that the department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of the tax. (Ord. 89-737, § 3)

¹This chapter represents Ord. 89-737, which was approved in a referendum of the voters of the city on September 5, 1989. Ord. 90-798 also levied a sales tax; however it was rejected by the voters in a referendum.

5-304. Suits for illegally assessed or collected taxes. In the event the tax is collected by the department of revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the state commissioner of revenue and the mayor of the City of Lebanon, Tennessee. (Ord. 89-737, § 4)

5-305. Certified copy of ordinance to be sent to Tennessee Department of Revenue. A certified copy of this ordinance shall be transmitted to the department of revenue by the city recorder forthwith and shall be published one time in a newspaper of general circulation in Lebanon, Wilson County, Tennessee prior to the election called for in section 5-302 hereof.¹ (Ord. 89-737, § 5)

¹An election was held, and this ordinance approved, September 5, 1989.

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The commissioner of finance and revenue is hereby directed to take appropriate action to assure payment to the City of Lebanon of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6. (1968 code, § 6-401)

CHAPTER 5

LITIGATION TAX

SECTION

5-501. Collection of litigation tax.

5-502. Purpose.

5-503. Local option.

5-501. Collection of litigation tax. The mayor and the commissioner of finance and revenue are hereby authorized to start collecting, pursuant to the Tennessee Municipal Court Reform Act of 2004, a local option litigation tax on all matters litigated and/or adjudicated guilty in the Lebanon Municipal Court that shall match the mandated state litigation tax of thirteen dollars and seventy-five cents (\$13.75). (as added by Ord. #08-3321, April 2008)

5-502. Purpose. Pursuant to the Tennessee Municipal Court Reform Act of 2004, the purpose of such local option litigation tax shall be for revenue enhancement and shall be retained in the City of Lebanon general fund. (as added by Ord. #08-3321, April 2008)

5-503. Local option. This local option litigation tax shall be in addition to any other charges, fees, or taxes currently in place as mandated by the Tennessee Municipal Court Reform Act of 2004, and/or any ordinance enacted by the Lebanon City Council. (as added by Ord. #08-3321, April 2008)