



November 21, 2024

Chapter XI - Taxation

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter XI - Taxation

Adequate Facilities Tax

Private Acts of 2004 Chapter 90

SECTION 1. This act shall be known and may be cited as the "Montgomery County Adequate Facilities Tax".

SECTION 2. As used in this act, unless a different meaning clearly appears from the context:

- (1) "Board of Construction Appeals" means the board established in Montgomery County pursuant to the requirements of the Southern Building Code Congress International.
- (2) "Building Permit" means a permit for a single family or multi-family residential development or any use containing dwelling units as defined below which is issued in Montgomery County, whether by the county or by any city therein.
- (3) "Certificate of Occupancy" means a license for occupancy of a building or structure issued in Montgomery County, whether by the county or by any city therein.
- (4) "Condominium" means a building, or group of buildings, in which the dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.
- (5) "County Building Commissioner" means the person appointed by the County mayor charged with directing the building and codes department.
- (6) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which creates one or more new dwelling units, and includes recording an approved plat for a lot or lots to be used for a single-family or multi-family dwelling unit or units.
- (7) "Dwelling Unit" means a room or rooms, connected together, constituting a separate, independent, housekeeping establishment for owner occupancy, rental or lease, on a daily, weekly, monthly, or longer basis; physically separated from any other room, rooms or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.
- (8) "Governing Body" means the board of county commissioners of Montgomery County, Tennessee.
- (9) "Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon.
- (10) "Multi-Family Dwelling" means a building containing two (2) or more dwelling units, including units that are located one over the other.
- (11) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, in the plural as well as the singular number.
- (12) "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions, or which are intended to be leased, rented, or used by persons who do not have tax-exempt status.
- (13) "Plat" includes any plat, plan plot, replot or replat where the same creates additional lots.
- (14) "Public Facility or Facilities" means a physical improvement undertaken by the federal, state, county, or city governments, including, but not limited to, the following: roads and bridges, parks and recreational facilities, jails and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities, and other governmental capital improvements benefiting the citizens of the county or city.
- (15) "Residential" means the development of any property for a dwelling unit or units or any structure, including a mobile home, built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind.

(16) "Single-Family Dwelling" means a building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

(17) "Townhouse" means a single-family dwelling unit constructed in a series or group of attached units with property lines separating each unit.

SECTION 3. It is the intent and purpose of this act to impose a tax on new residential development in Montgomery County so as to ensure and require that the persons responsible for the new development share in the burdens of growth by paying their fair share for the cost of expanded school services and facilities made necessary by such development.

SECTION 4. Engaging in the act of development within Montgomery County, except as provided in Section 6, is declared to be a privilege upon which Montgomery County may levy a tax at the rate set forth in Section 7.

SECTION 5. The governing body shall, by resolution, adopt administrative guidelines, procedures, regulations, and forms necessary to properly implement, administer, and enforce the provisions of this act.

SECTION 6. This act shall not apply to:

- (1) A lot or structure owned by a nonprofit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code;
- (2) Nonresidential facilities;
- (3) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided, that the permanent structure is a residence for the owner and occupant of the mobile home and the owner and occupant has resided on the property;
- (4) Places of worship;
- (5) Public buildings;
- (6) Replacement structures for previously existing habitable structures destroyed by fire or other disaster, or voluntarily demolished, when the building permit is issued within twenty-four (24) months of being destroyed or demolished. This exemption applies only to the number of units destroyed or demolished.
- (7) Platted lots of record, meaning a lot or lots that exist as show or described on a plat in the records of the local register of deeds, and which was recorded prior to the effective date of this act; or
- (8) Any lot on which the tax imposed pursuant to this act has been previously paid.

SECTION 7. For the exercise of the privilege described herein, the governing body imposes a tax of two hundred fifty dollars (\$250) on each lot to be used for a single-family residential dwelling unit or units or multi-family dwelling unit or units, and a tax of two hundred fifty dollars (\$250) on each single-family residential dwelling unit or units or multi-family dwelling unit or units, increasing six percent (6%) annually to a combined maximum of one thousand dollars (\$1,000) as follows:

- (1) That portion of the tax imposed on each lot to be used for a single-family or multi-family dwelling unit or units shall be collected by the Montgomery County register of deeds, at the time the approved plat is recorded.
- (2) That portion of the tax imposed on each single-family or multi-family dwelling unit or units shall be collected by the Montgomery County building and codes department at the time the building permit is issued.
- (3) In the event a single-family or multi-family dwelling unit is placed upon property and a plat is not required by applicable provision of the general law, that portion imposed on each lot shall be collected by the Montgomery County building and codes department at the time the building permit is issued.
- (4) For condominiums or townhouses where each dwelling unit is individually owned, each separate unit shall be taxed at the combined rate of five hundred dollars (\$500) and collected by the Montgomery County building and codes department at the time the building permit is issued.
- (5) The initial tax shall be increased annually by six percent (6%) as follows:

Fiscal Year Beginning	Combined Rate	Rate Per Lot	Rate Per Dwelling Unit
(Initial Tax)	\$500.00	\$250.00	\$250.00
July 1, 2005	530.00	265.00	265.00

Fiscal Year Beginning	Combined Rate	Rate Per Lot	Rate Per Dwelling Unit
July 1, 2006	562.00	281.00	281.00
July 1, 2007	596.00	298.00	298.00
July 1, 2008	632.00	316.00	316.00
July 1, 2009	670.00	335.00	335.00
July 1, 2010	710.00	355.00	355.00
July 1, 2011	752.00	376.00	376.00
July 1, 2012	798.00	399.00	399.00
July 1, 2013	846.00	423.00	423.00
July 1, 2014	896.00	448.00	448.00
July 1, 2015	950.00	475.00	475.00
July 1, 2016	1,000.00	500.00	500.00

SECTION 8. Proceeds from the tax levied herein shall be applied to school services, capital projects, or the related debt service for new school construction including the renovation of and additions to existing school facilities as appropriated annually by the Montgomery County board of commissioners.

SECTION 9. The county building commissioner shall collect that portion of the tax established in this act to be collected at the time of application for a building permit. If the county issues the building permit, the county building commissioner or other responsible official shall receive payment in full in cash or other negotiable instrument as specified by resolution of the county and as approved by the county attorney. If the building permit is issued by one of the incorporated cities of Montgomery County, the city shall, before issuance of the building permit, require evidence by a valid certificate executed by the county building commissioner, that the full amount of the tax due the county has been paid. The issuance of a building permit by any city official, without the certificate from the county that the tax has been paid, shall render the city liable to the county for the sum or sums that would have been collected by the county had the certificate of tax paid been required by the city.

SECTION 10. The authority to impose this privilege tax on new development in Montgomery County is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising or land development regulatory measures granted either by the private or public acts of the state of Tennessee, and the imposition of the tax, in addition to any other authorized tax, fee assessment or charge, shall not be deemed to constitute double taxation.

SECTION 11. Any person aggrieved by the decision of the county building commissioner or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

- (1) By payment of the disputed amount to Montgomery County and by notifying the official that the payment is made under protest.
- (2) By requesting an appeal of the decision of the official in written form within thirty (30) days of the protest and payment. Appeals shall be heard by the Montgomery County board of construction appeals. Hearing shall be scheduled within forty-five (45) days of the written request for appeal.

The board of construction appeals shall render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued from time to time by a majority vote of the board for further information.

The board of construction appeals shall act as a quasi-judicial body whose purpose is to determine the intent of this act, its applicability to the appellant, and to rule upon the interpretation of the official.

The board will not be bound by formal rules of evidence applicable to the various court of the state.

Hearings before the board shall proceed as follows:

- (1) The county building commissioner or other responsible official shall explain the ruling and the reason for the ruling.
- (2) The appellant shall explain the reasons for protesting the ruling.
- (3) The board may request further information from any county official, including, but not limited to, the county mayor, county commissioners, or committee members, the county attorney, or the county planning staff. The board will not have the power of subpoena.
- (4) The board will deliberate and render a decision by a majority vote. Decisions will be reduced to writing and copies shall be sent to all parties and shall become a part of the minutes of the board. Decisions of the board of construction appeals shall be final, except that either the county building commissioner, other responsible official, or the person aggrieved may seek review of the board's action by certiorari and supersedeas to the chancery court of Montgomery County, Tennessee,

provided that an application to the court is made within sixty (60) days of the written decision of the board.

SECTION 12. The provisions of this act shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Montgomery County. This act shall be deemed to create an additional and alternative method for Montgomery County to impose and collect taxes for the purpose of providing public facilities.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 14. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Montgomery County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by such officer to the secretary of state.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective July 1, 2004, subject to local approval as provided in Section 14.

Passed: March 15, 2004.

Assessor of Property

Private Acts of 1953 Chapter 77

SECTION 1. That in the counties having a population of not less than 44,100, nor more than 44,200, according to the Federal Census of 1950, or any subsequent Federal Census, there is hereby provided a more efficient method of assessing the taxable property in such counties for State and County purposes.

SECTION 2. That every conveyance in writing of real property, located within the county, excepting mortgages and deeds of trust, shall be presented to the Tax Assessor or duly authorized Deputy Tax Assessor of such counties wherein said property is located for notation of the change or changes in ownership occasioned by said conveyance. Upon presentment it shall be the duty of the Tax Assessor or Deputy Tax Assessor to note the information, as outlined herein, in a well-bound book to be furnished by said counties. Said book shall show the names of the grantors or lessors; the names of the grantees or lessees; the number of acres or town lots conveyed; whether there are buildings, dwellings, or other improvements on said property; whether the number of acres or lots conveyed be all or a portion of the property previously assessed in the name of the grantors or lessors thereof the general boundaries of said property in accordance with the abutting or adjacent owners of said property; and under the title "Remarks" show such other information as will enable the County Tax Assessor or Deputy Tax Assessor to keep current records of his office to the end that all real estate shall be assessed for taxation in the name of the true owner or in the name of the person or persons responsible for the payments on the taxes.

SECTION 3. That no conveyance in writing of real property, except mortgages and deeds of trust, shall be received by the Register of any county under this Act for registration unless it bears a stamp or notation evidencing that such conveyance has been presented to the Tax Assessor or Deputy Tax Assessor, together with the date of said presentment and a signature or initial of the Tax Assessor noted thereon.

SECTION 4. That mortgages, deeds of trust, or other like instruments are specifically exempt from the provisions of this Act.

SECTION 5. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 6. That in the event any section or part of any section of this Act shall be held invalid, the remainder of the Act shall not be invalidated, but shall remain in full force and effect.

SECTION 7. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1953.

Hotel - Motel Tax

Private Acts of 1979 Chapter 167

SECTION 1. Definitions. For the purpose of this act:

(a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club,

fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designated for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(e) Consideration. "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.

(f) County. "County" means Montgomery County, Tennessee.

(g) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

As amended by: Private Acts of 2016, Chapter 46.

SECTION 2. Authority to Levy Tax. The county is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of eight percent (8%) of the consideration charged by the operator. Said tax so levied is a privilege tax upon the transient occupying said room and is to be collected as hereinafter provided.

Private Acts of 2018, Chapter 57.

As amended by:

Private Acts of 2000, Chapter 140.

SECTION 3. Tax Added to Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county. When a person has maintained occupancy for thirty (30) continuous days, he shall receive from the operator refund or credit for any tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 4. Remittance to Trustee.

(a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within the county, to the county trustee, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for and remitting the tax authorized by this act, said operator shall be allowed two percent (2%) of the amount of tax due and accounted for and remitted to the trustee in the form of a deduction in submitting his report and paying the amount due by him; provided the amount due was not delinquent at the time of payment.

SECTION 5. Rules and Regulations. The trustee or other authorized collector of the tax authorized by this act shall be responsible for the collection of said tax. A monthly tax return under oath shall be filed with the trustee by the operator with such number of copies thereof as the trustee may reasonably require for the collection of said 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 trustee and approved by the Board of County Commissioners prior to use. The trustee shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the Board of County Commissioners. The Board of County Commissioners is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act.

SECTION 6. Offer to Absorb Tax Prohibited. No operator of a hotel should 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.

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the county trustee 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 for 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 or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refused to pay the tax payable to the county trustee.

SECTION 8. Records. It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act 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 county, which records the county trustee shall have the right to inspect at all reasonable times.

SECTION 9. Administration. The county trustee 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 in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks. For his services in administering and enforcing the provisions of this act, the county trustee shall be entitled to retain as a commission one percent (1%) of the taxes so collected, or the actual cost of administration of the tax as required herein, whichever is greater. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in T.C.A. 67-3033, it being the intent of this act that the provisions of law with apply to the recovery of state taxes illegally assessed and collected under the authority of this act; provided further, the county trustee shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, for the county clerks. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 10. Tourist Commission. For the purpose of promoting tourist and recreational activity, authorization is granted to Montgomery County to establish a Tourist Commission for the City of Clarksville and Montgomery County. The commission shall be composed of five (5) persons selected by and with the joint approval of the mayor of the City of Clarksville and the County Mayor of Montgomery County. One (1) member of the commission shall be a person affiliated with the hotel-motel business and the remaining members shall be selected from a list of nine (9) persons submitted by the area Chamber of Commerce. Upon this act becoming effective, the initial term of office for such commissioners shall be staggered so that one (1) such appointee shall serve an initial term of one (1) year, two (2) such appointees shall serve an initial term of two (2) years, and two (2} such appointees shall serve an initial term of three (3) years, and, thereafter, all commissioners shall be appointed for terms of three (3) years and vacancies shall be filled in the same manner that original appointments are made with the area Chamber of Commerce submitting two (2) names for each vacancy, but vacancies shall be filled for the duration of the unexpired term only. There shall be no prohibition upon a commissioner succeeding himself or herself subject, however, to being reappointed in accordance with the previous provisions of this section.

In the fiscal year beginning July 1, 2000, four (4) additional members shall be added to the Tourist Commission. The four (4) additional members shall be appointed as follows: as with the original members of the Tourist Commission. all these additional members shall be selected by and with joint approval of the County Mayor of Montgomery County and the Mayor of the City of Clarksville. In order to maintain staggered terms of office, one (1) of these additional members shall initially be appointed to a term of office of one (1) year, two (2) members shall initially be appointed to a term of office of two (2) years, and one (1) member shall initially be appointed to a term of office of three (3) years. After those initial terms, these appointments shall be filled in the same manner as those of the incumbent members of the Tourist Commission. Nothing in the act shall be deemed as abridging the terms of office of the incumbent members of the Tourist Commission. Apart from the differences in the length of their initial term of office, the additional members appointed to the Tourist Commission shall have all the same rights and privileges as the incumbent members of the Tourist Commission.

As it relates to budgetary and fiscal matters and expenditures, the Tourist Commission shall act only in an advisory capacity to the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC., to establish an annual budget for approval by the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC; and in doing so shall be subject to the same provisions of law as any other Department, Board and/or Commission established by Montgomery County. Said CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC., shall be responsible for preparing and submitting this Final proposed programmed budget as they may amend and approve, for all funds to be expended pursuant to the provisions of Section 11 of this act for approval by the Montgomery County Board of County Commissioners. The CLARKSVILLEMONTGOMERY COUNTY AREA

ECONOMIC DEVELOPMENT COUNCIL, INC., shall then be responsible for the expenditure of all funds derived from the tax authorized by this act as approved and allocated in the budget for direct promotion of tourism as set out in Section 11.

As amended by: Private Acts of 2000, Chapter 140.
Private Acts of 2021, Chapter 9.

SECTION 11. Application and Allocation of Revenue. The proceeds of the tax authorized by this act shall be appropriated and distributed by the Montgomery County Board of County Commissioners as follows: (1) Fifty percent (50%) of the proceeds shall be placed in the general capital projects fund of Montgomery County and shall be accounted for by Montgomery County for the sole, specific, and exclusive use to promote tourism in Montgomery County, Tennessee, for and by its exclusive use of these funds to pay the cost to build or design, or acquire land for a multi-purpose event center, multi-purpose event center construction debt, infrastructure, or additions. These funds derived from the portion of revenues allocated to Montgomery County shall be placed in the Capital Projects Fund of Montgomery County, Tennessee, and any unused funds shall be placed in a reserve account within the Capital Projects Fund until such time as appropriated to satisfy the aforementioned purposes and expenses. (2) Of the remaining fifty percent (50%) of the proceeds, twenty-five percent (25%) of this amount shall be payable to the City of Clarksville, Tennessee, then an amount, up to Seventy-five percent (75%) of these proceeds remaining may be allocated to fund the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC.'s annual budget as may be approved by the Montgomery County Board of County Commissioners described in Section 10. Whatever amount of these proceeds is not allocated for funding the CLARKSVILLE-MONTGOMERY COUNTY AREA ECONOMIC DEVELOPMENT COUNCIL, INC., will be divided equally between the City of Clarksville, Tennessee, and Montgomery County, Tennessee, and paid to the General Fund of each for each fiscal year on or before September 15 following the close of the fiscal year. In any event, these remaining funds will be used only, specifically, and exclusively for the promotion of tourism in Montgomery County, Tennessee, and in the City of Clarksville, Tennessee. The proceeds of all and any of the tax authorized by this act shall not be used to provide a subsidy in any form to any hotel.

Private Acts of 2018, Chapter 57.

As amended by: Private Acts of 2000, Chapter 140.
Private Acts of 2021, Chapter 9.

SECTION 12. Severability Clause. The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this act shall continue to be in full force and effect, it being the legislative intent now hereby declared that this act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Montgomery County not before September 1, 1979, and not later than January 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners and shall be certified by him to the Secretary of State.

SECTION 14. This act shall be effective for the purpose of approval by the county legislative body upon becoming a law, the public welfare requiring it. For all other purposes, this act shall be effective upon being approved as provided in Section 13 of this act.

Passed: May 17, 1979.

Mobile Structures

Private Acts of 1972 Chapter 269

SECTION 1. For the purpose of this Act, the term "mobile structure" means any mobile home or any structure, which is constructed as a trailer or semi-trailer and designed either to be towed along the highways or to be parked off the highways and used temporarily or permanently, as a residence, apartment, office, storehouse, warehouse or any other commercial purpose; but shall not include self propelled vehicles, sleeping and camping facilities attached to or designed to be attached to or drawn by a pick-up truck or an automobile and which contains less than three hundred (300) square feet of enclosed space.

SECTION 2. All mobile structures permanently attached to land in Montgomery County by virtue of being on a foundation, or being underpinned, or connected with any utility service such as electricity, natural gas, water or telephone shall be subject to assessment and taxation as improvements to real property

according to the provisions of Tennessee Code Annotated, Section 67-605.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Montgomery County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly Court and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all purposes, it shall become effective upon being approved as provided in Section 3.

Passed: March 9, 1972.

Motor Vehicle Tax

Private Acts of 1967-68 Chapter 283

SECTION 1. (a) That for the privilege of using the public roads and highways in Montgomery County, except state-maintained roads, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof a special privilege tax for the benefit of Montgomery County, which tax shall be in addition to all other taxes, and which shall be in the amount of twenty dollars (\$20.00) for each motor-driven vehicle. This tax shall apply to and shall be paid on each motor-driven vehicle, whose owner resides or usually stays in Montgomery County.

If the controlling provisions of Tennessee general law, including Tennessee Code Annotated, Section 7-51-702, are repealed or amended so as to permit counties to tax nonresident motorist for the privilege of using local roads, then such a tax shall be imposed in Montgomery County. Such tax shall be equal in amount to the tax levied on resident motorists.

(b) "Motor-driven vehicle", for purposes of taxation under this act, shall mean every device in, upon, or by which any persons or property is or may be transported or drawn upon a highway, which is not expressly excluded as herein follows. Expressly excluded from taxation under this act are devices moved by human power or used expressly upon stationary rails or tracks, farm tractors, self-propelled farm machines not usually used for operation upon public highways and roads, motor-driven bicycles and scooters, mobile homes, house trailers, and trailers without motive power designed to carry persons or property and to be drawn by a motor vehicle. No vehicle is exempted from taxation under this act unless it falls within one of the express exclusions above. Provided, further, that motorcycles are motor-driven vehicles for purposes of taxation under this act. "Motorcycle" shall mean every motor vehicle having a saddle for the use of the rider and designed to be driven on not more than three (3) wheels in contact with the ground but excluding a tractor or motorized bicycle, and this definition shall not be construed to exempt any motor-driven vehicle with more than three wheels on that criterion alone. Provided, further, that this Act shall apply to self-propelled motor homes.

As amended by: Private Acts of 1982, Chapter 290

SECTION 2. The tax herein levied shall be collected by the County Court Clerk of Montgomery County at the same time that he collects the state privilege tax upon the operation of motor-driven vehicles over the public highways. The clerk shall not issue a state license for the operation of motor-driven vehicles to any person who does not purchase, at the same time, the appropriate license as hereinafter provided for the operation of a motor-driven vehicle under this Act. Payment of the license fee herein imposed shall be evidenced by a tax or emblem to be appropriately displayed upon some prominent part of the motor driven vehicle in question. The design of the emblem and the place and manner of display on the vehicle shall be determined by the County Court Clerk, and the expense incident thereto shall be paid from the County General Fund. The tax herein levied shall entitle the owner of a motor-driven vehicle to operate the same from April 1 of each year to the next succeeding March 31; and the same proportionate reduction shall be made as it is now made in the case of state registration of motor-driven vehicles where such motor-driven vehicle is registered after April 1, for any reason whatsoever.

For his services in issuing such licenses, the County Court Clerk shall be entitled to a fee of 50 cents for each license so issued, to be collected from the person purchasing same. The Clerk shall faithfully account for, make proper reports of, and pay over to the Trustee of the Counties to which this Act applies at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax, and such funds shall be applied as herein provided.

In the event any motor-driven vehicle for which the privilege tax have been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceases to operate same on the public streets, roads, or highways of said County, or in the event the owner transfers the title to said motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and

placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents as a privilege tax for reassignment of said decal, and a 50 cent Clerk's fee therefor, the Clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such County until the next following March 31st. Likewise, in the event a decal or emblem become obliterated, erased, or defaced or is destroyed under the provisions of this Act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing such circumstances and facts to be true, then the Clerk, upon receipt from the owner of 50 cents as a privilege tax for replacement of said decal and a 50 cent Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem.

As amended by: Private Acts of 1967-68, Chapter 346
Private Acts of 1982, Chapter 290

SECTION 3. That the proceeds of the tax herein imposed, when collected and paid into the hands of the County Trustee, shall be deposited in the General Purpose School Fund of the County and shall be used exclusively for public education.

As amended by: Private Acts of 1967-68, Chapter 346
Private Acts of 1982, Chapter 290

SECTION 4. That it is the intent of the General Assembly that this Act be construed as a measure providing for additional revenues in the Counties affected, to be used exclusively for the financing of the program of public education in such Counties.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any County to which it may apply on or before the next regular or special meeting of said Quarterly County Court after its approval by the Governor or after its otherwise becoming a law. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

That this Act shall have no effect unless the same shall have been submitted by resolution of the County Court to a referendum election of the people and approved by a majority of the qualified voters of said County voting in such referendum election held for said purpose. Within ten (10) days after the passage of such resolution by the County Court authorizing such referendum election, it shall be the duty of the County Board of Election Commissioners of the County to which this Act applies to call an election for the County to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five (5) or more days next after the date of such election and the results shall be proclaimed by such Board and certified to the Secretary of State. The qualifications of voters shall be that provided by law for participation in general election held hereunder. The cost of said election shall be paid by the County to which this Act applies.

SECTION 6. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions hereof shall not become operative until validated as provided in Section 5 herein.

Passed: May 18, 1967.

Private Acts of 1982 Chapter 290

COMPILER'S NOTE: Sections 1, 2, 3, and 4 of the act amend Private Acts of 1967-68, Chapter 283, and are incorporated into that act which is reprinted above.

SECTION 5. The tax provided for in this act applies to and shall be paid on motor-driven vehicles owned by a manufacturer or dealer who is required to purchase a special plate or plates issued to such owner as prescribed in Tennessee Code Annotated, Title 55, Chapter 4, Part 2; provided, that such manufacturer or dealer shall pay the privilege tax for each dealer plate purchased up to and including the tenth (10th) plate or twenty-five percent (25%) of the total number of dealer plates purchased, whichever is greater. The privilege tax decal shall be displayed at the appropriate location on the dealer tag as designated by the county clerk.

As amended by: Private Acts of 2000, Chapter 81

SECTION 6. Any person who violates this Act and fails to pay the privilege tax imposed hereunder shall be fined fifteen dollars (\$15.00). Each day of violation constitutes a separate offense, and a fine of fifteen

dollars (\$15.00) shall be assessed for each offense.

COMPILER'S NOTE: See Private Acts of 1967-68, Chapter 283, reprinted above, for provisions of the privilege tax.

SECTION 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 8. That this Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Montgomery County, on or before the next regular or special meeting of said legislative body, after its becoming a law. Its approval or nonapproval shall be proclaimed by the presiding officer of such county legislative body and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: March 25, 1982.

Taxation - Historical Notes

Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Montgomery County Assessor.

1. Private Acts of 1911, Chapter 196, amended Acts of 1907, Chapter 602, by authorizing the Montgomery County Quarterly County Court to fix the salary of the County Tax Assessor at \$1,800 to \$2,000 per annum.
2. Private Acts of 1913, Chapter 183, fixed the annual salary of the Tax Assessor in Montgomery County at \$1,800 to be paid monthly out of county funds produced by the tax levy for County purposes.
3. Private Acts of 1919, Chapter 798, authorized the County Court to fix the salary of the Tax Assessor at not less than \$1,800 nor more than \$2,500 annually to be paid from the County Treasury.
4. Private Acts of 1921, Chapter 871, authorized the County Court of Montgomery County to fix the salary of the Tax Assessor at not less than \$1,800 nor more than \$3,500 annually.
5. Private Acts of 1937, Chapter 890, established the salary of the Tax Assessor of Montgomery County at no more than \$2,500. The Assessor could employ as many deputies as he considered essential but would pay them out of his salary.
6. Private Acts of 1945, Chapter 593, provided that the Tax Assessor in Montgomery County would receive a salary of \$2,500 in even numbered years when only assessments of personal property, polls, and privileges were assessed and \$3,000 in odd years when real estate assessments were made. The act authorized the Assessor to appoint deputies with the provision that he pay them out of his salary.
7. Private Acts of 1949, Chapter 739, amended Private Acts of 1945, Chapter 593, above, by increasing the compensation of the Tax Assessor of Montgomery County to \$3,000 in even numbered years and \$3,500 in odd numbered years.
8. Private Acts of 1951, Chapter 440, set the salary of the Tax Assessor in Montgomery County at \$5,000 annually, and authorized him to employ one deputy assessor in odd numbered years, when all the assessments had to be made. Such deputy would be paid \$1,800 per year from County funds. Any additional deputies would not be paid by the County but the Assessor was authorized to appoint any number of deputies.
9. Private Acts of 1953, Chapter 234, amended Private Acts of 1951, Chapter 440, by providing for one Deputy Tax Assessor in Montgomery County on a full time basis at a salary of \$2,500 annually.
10. Private Acts of 1959, Chapter 252, amended Private Acts of 1951, Chapter 440, by fixing the salary of the Tax Assessor at \$6,500 annually.
11. Private Acts of 1959, Chapter 253, amended Private Acts of 1951, Chapter 440, and authorized an expense account for the Montgomery County Tax Assessor of not more than \$1,500 annually, provided an itemized and sworn account of his expenses were filed at the end of the fiscal year.

12. Private Acts of 1965, Chapter 109, amended Private Acts of 1951, Chapter 440, above, by increasing the compensation of the Tax Assessor to \$8,500 annually and by authorizing the appointment of one or more deputy tax assessors whose compensation would be fixed by the County Court and paid by the County.

Hotel - Motel Tax

The following act affected collection of the Hotel-Motel Tax in Montgomery County, but it was not approved locally and did not become effective.

1. Private Acts of 1980, Chapter 202, amended Private Acts of 1979, Chapter 167, reprinted above, by exempting military personnel from the obligation to pay the privilege tax on occupancy of a hotel or motel room. The act was not approved locally and did not become effective.

Taxation

The following is a listing of acts pertaining to taxation in Montgomery County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796 (July Sess.), Chapter 2, exempted Davidson, Montgomery, Sumner, Robertson, Washington, and Hawkins Counties from the application of an additional county tax to be levied on various properties according to a schedule contained in the act.
2. Acts of 1799, Chapter 13, annexed a part of Montgomery County to Robertson County but authorized the Sheriff of Montgomery County to collect delinquent taxes in the annexed area in a manner as though the act had not been passed.
3. Acts of 1803, Chapter 65, authorized the County Court of Montgomery County to levy a tax not exceeding fifty cents on each lot in Clarksville to repair and maintain the roads of the city. A suitable person would be appointed to collect the tax.
4. Acts of 1803, Chapter 66, created Dickson County from parts of Montgomery and Robertson Counties and empowered the Sheriff of Montgomery County to collect then current and delinquent taxes from the inhabitants within the area transferred from Montgomery County to Dickson County.
5. Acts of 1803, Chapter 68, created Stewart County from part of Montgomery County and empowered the Sheriff of Montgomery County to collect the current and delinquent taxes from the inhabitants within the area transferred from Montgomery County to Stewart County.
6. Private Acts of 1823, Chapter 182, authorized the County Court of Montgomery County to levy a tax for the then present and ensuing two years on all taxable property to defray the expense of repairing the courthouse and jail, and of transcribing six books in the Register's office. The amount of County taxes could not exceed one-half of the state tax.
7. Private Acts of 1826, Chapter 82, authorized Montgomery County to levy a tax on taxable property in the County for the purposes of repairing the jail or building a new one within the discretion of the Justices.
8. Private Acts of 1859-60, Chapter 79, required the collector of the Railroad Tax in Montgomery County to pay the taxes collected to the Bank of Tennessee in Clarksville upon the warrant of the Judge of Montgomery County, obtaining double receipts, one for himself and one for the Judge. The Bank was to disburse the money to the holders of coupons of the bonds issued by the County to the Memphis, Clarksville, and Louisville Railroad Company.
9. Private Acts of 1865-66, Chapter 68, amended Private Acts of 1859-60, Chapter 79, by allowing the Railroad Taxes collected to be deposited in the First National Bank of Clarksville, Tennessee, under the same rules and regulations for paying them into the Bank of Tennessee.
10. Public Acts of 1883, Chapter 146, amended Private Acts of 1859-60, Chapter 79, and Private Acts of 1865-66, Chapter 68, above, by requiring the collector of the Railroad Tax to pay the collected monies into the First National Bank, the Clarksville National Bank, the Northern Bank, the Franklin Bank, or other bank in Clarksville, Tennessee, upon the warrant of the County Judge, who was required to account to the Quarterly Court for all receipts and disbursements concerning the tax.
11. Acts of 1903, Chapter 258, was an extensive general law applicable to the assessment and collection of taxes for state, county, and municipal purposes. The Act listed the types of property subject to taxation and set forth the procedure for assessment and classification of the property. It regulated the activities of assessors, comptrollers, County Court Clerks and the other officers in

- relation to the collection and recording of current and delinquent taxes.
12. Acts of 1905, Chapter 297, amended Acts of 1903, Chapter 258, the general law relating to assessment and collection of taxes, by requiring that efforts to collect past due taxes by Montgomery County officials would cease until June 1, 1905. On that date collection would resume as required under the general law including the selling at auction of real estate for past due taxes.
 13. Private Acts of 1917, Chapter 800, amended Private Acts of 1915, Chapter 272, by making its provisions apply to Montgomery County. The 1915 act applied only to Robertson County and authorized the Quarterly Court to elect a Back Poll Tax Collector to serve terms of two years. The County Trustee was required to prepare a Poll Tax list for the Back Poll Tax Collector's use in identifying delinquent persons and collecting back taxes. The Collector would charge an additional seventy-five cents for each \$2.00 delinquent debt collected which he would retain as his fee.
 14. Private Acts of 1921, Chapter 139, levied a privilege tax in Montgomery County on all automobiles, auto trucks, motorcycles, electric automobiles, and trucks, and other vehicles of like character according to a schedule established in the act. The act declared the tax to be a lien upon the property of the owner.
 15. Private Acts of 1929, Chapter 885, established in Montgomery County the office of Delinquent Poll Tax Collector and Collectors. The Quarterly County Court would determine the number of Collectors and elect them for terms of two years. They were to collect delinquent poll taxes along with penalties, interest, and a fee of seventy-five cents, which fee was to be retained by the collectors as compensation. The Collectors were empowered to inspect any payroll or list of employees from employers, individual or corporate. Refusal to allow inspection was a misdemeanor and lying under oath to a Collector was punishable as perjury.
 16. Private Acts of 1931, Chapter 458, repealed Private Acts of 1921, Chapter 139.
 17. Private Acts of 1935, Chapter 379, repealed Private Acts of 1915, Chapter 272, summarized above in relation to Private Acts of 1917, Chapter 800.
 18. Private Acts of 1949, Chapter 839, fixed the compensation of the Equalization Board of Montgomery County at \$6.00 per diem for the chairman, \$8.00 per diem for the Secretary, and \$5.00 per diem for the members. The act authorized the Board to hire persons familiar with real estate values to assist the Board.
 19. Private Acts of 1991, Chapter 113, would have amended Private Acts of 1967, Chapter 283, as amended by Private Acts of 1968, Chapter 346, to exempt nonresident military personnel from paying the local motor vehicle privilege tax when such person was paying the state registration fee, however, the Act was not approved locally. NOTE: This amendment was inadvertently included in this compilation in 1991 as having received local approval. It was removed and summarized here in 2017.

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