



March 31, 2025

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

Assessor of Property

Private Acts of 1969 Chapter 149

SECTION 1. That in all counties of this State having a population of not less than 5,000 and not more than 5,200, according to the Federal Census of 1960 or any subsequent Census, that before any deed for the conveyance of land shall be allowed to be registered in the Register's office, it shall first be taken to the office of the Tax Assessor of such Counties and the change of ownership thereof noted upon the Assessor's books, and the Assessor shall place upon said deed by stamp or otherwise a notice to the effect that said deed has been noted in this office and the change of ownership transferred upon his records.

SECTION 2. That the Register of Deeds of such Counties are hereby prohibited from accepting any deed for register without it having been noted thereon that the ownership has been changed by the Tax Assessor in accordance with Section 1 of this Act. Every violation of this Act by the Register of Deeds shall be deemed a misdemeanor and upon conviction thereof the Register of Deeds shall be fined not less than Two (\$2.00) Dollars nor more than Fifty (\$50.00) Dollars for each and every violation of this Act.

SECTION 3. That all laws in conflict with this Act are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

SECTION 4. That this Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the Quarterly County Court of any County to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. 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.

Passed: May 5, 1969.

Hotel/Motel Tax

Private Acts of 2001 Chapter 23

SECTION 1. For the purposes of this Act:

- (a) "Clerk" means the county clerk of Meigs County, Tennessee.
- (b) "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.
- (c) "County" means Meigs County, Tennessee.
- (d) "Hotel" means any structure or space, or any portion thereof, 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 court, tourist cabin, campground, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.
- (g) "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 entity other than the United States or any of its agencies, or any other group or combination acting as a unit.
- (h) "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 ninety (90) continuous days.

SECTION 2. The legislative body of Meigs County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount not to exceed five percent (5%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. The rate of the tax may be modified by the county legislative body subject to the five percent (5%) limitation. Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 3. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the hotel. Such invoice shall be given directly or transmitted to the transient, a copy thereof to be retained and filed by the operator as provided in Section 8. When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 4. 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.

SECTION 5.

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the clerk not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. If credit is granted 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 county clerk for collecting the tax, the clerk shall be allowed five percent (5%) of the amount of the tax remitted by the operators.

(c) The clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to, and received by, such clerk for the privilege tax authorized by this act.

SECTION 6. The county clerk shall be responsible for the collection of the tax and shall place the proceeds of such tax in accounts as designated in Section 10 for the purposes stated therein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk 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 clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

SECTION 7. Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional 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 herein required to be remitted. Willful refusal of an operator to collect or remit the tax, or willful refusal of a transient to pay the tax imposed, is a violation of this act and may result in the imposition of a civil penalty not to exceed five hundred dollars (\$500.00) upon a finding of such willful refusal by a court of competent jurisdiction. Any civil penalty imposed 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 refuses to pay the tax payable to the clerk.

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the county of any tax levied pursuant to this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the clerk shall have the right to inspect at all reasonable times.

SECTION 9. The clerk in administering and enforcing the provisions of the act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67, Tennessee Code Annotated, or otherwise provided by law for the county clerks. Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67, Tennessee Code Annotated, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied pursuant to this act. The provisions of Tennessee Code

Annotated, Section 67- 1-707 shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under the authority of this act shall be refunded by the clerk.

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 10. The proceeds of the tax authorized by this act shall be paid over to the county trustee and placed in the county general fund, with seventy five percent (75%) of the proceeds to be used for parks and recreation and twenty-five percent (25%) to be used for the promotion of tourism in Meigs County.

SECTION 11. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 12. 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 13. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Meigs County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body to the secretary of state.

SECTION 14. 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 take effect on the first day of the month following approval as provided in Section 13, the public welfare requiring it.

Passed: March 29, 2001.

Litigation Tax

Private Acts of 1963 Chapter 138

SECTION 1. That a litigation tax of Two Dollars (\$2.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court in Meigs County, Tennessee.

SECTION 2. That the said Clerks of the said Court will collect the said litigation tax and pay same into separate fund, which is to be designated as the "Court House and Jail Maintenance Repair Fund", to be used exclusively for the purpose of maintenance and repair of the Court House and Jail.

SECTION 3. That all expenditures made from the said Fund are to be made by the Purchasing and Finance Commission, upon the authorization of the Quarterly County Court.

SECTION 4. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the County Court of Meigs County, Tennessee, on or before the next regular meeting of such County Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. 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.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1963.

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 Meigs County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1907, Chapter 602, provided for a four year term for Tax Assessors and abolished the positions of civil district assessors. Each county would have one Tax Assessor who could not be a member of the County Court although the Court would fill any vacancies in the office by appointment to serve until the next general election. The standards to be observed when assessing property and the manner for hiring assistants were prescribed in the Act.
2. Private Acts of 1911, Chapter 411, amended Chapter 602, Private Acts of 1907, above by means of population figures to set the salary of the Tax Assessor of Meigs County at \$300 annually. Several other counties also amended the act so as to include themselves within the provisions and

set the salary of their own Tax Assessors.

3. Private Acts of 1923, Chapter 560, fixed the salary of the Tax Assessor of Meigs County at \$600 per year to be paid out of the regular funds of the county treasury on warrant from the County Chairman on the first Monday in July in the work of assessment were completed at that time, or otherwise the payment would not be made until the work was finished.

Taxation

The following is an act pertaining to taxation in Meigs County which is no longer effective.

1. Private Acts of 1923, Chapter 570, provided that, in Meigs County the taxes due the State and County assessed against each taxpayer shall be due and payable at any date from October 1 of the year for which assessed up to and included May 1 of the succeeding year without any penalty or interest. If not paid by the latter date, the taxes would be subject to all penalties and interest prescribed by law for delinquent taxes. The County Trustee could have 30 days after May 1 to collect before resorting to the delinquency procedures and penalties.

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