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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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Chaper XI - Taxation

Adequate Facilities Tax

Private Acts of 1999 Chapter 57

WHEREAS, Sumner County, Tennessee, has been one of the fastest growing counties in the State for the past ten years, having been impacted by the rapid growth in the standard metropolitan area of Nashville; and WHEREAS, anticipated continued growth from the expansion of Nashville is expected to accelerate; and WHEREAS, this growth is anticipated to stimulate commercial, office, industrial and warehouse development in Sumner County as well as the incorporated cities of Gallatin, Hendersonville, Millersville, Mitchellville, Portland, Westmoreland and White House, all lying within Sumner County; and WHEREAS, the projected non-residential development and the availability of jobs is anticipated to stimulate a significant demand for new dwelling units in Sumner County; and WHEREAS, current projections show that:

- (1) County population will be 147,700 persons in the year 2010, an increase of more than forty-three percent (43%) from 1990 to 2010; there will be a demand for approximately 15,000 additional dwelling units between 1990 and 2010; and new residential and non-residential development will consume additional acreage in Sumner County;
- (2) Projected growth and land use development will cause a demand for county provided capital facilities (schools) in an amount well in excess of \$20 million over the next four (4) years alone; and
- (3) The county's present revenue-raising authority is limited and relies heavily on intergovernmental transfers which are not subject to county control and on property taxes, which would impose the costs of new growth on existing residents rather than on new residents and businesses creating the demand for the additional expenditures; and

WHEREAS, Sumner County is committed to both present and future county residents to maintaining a level of public facilities and services commensurate with those presently provided and WHEREAS, Sumner County is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the county; and WHEREAS, the county's present population employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development; and WHEREAS, the continued expansion of the Nashville metropolitan area represents both an extraordinary economic opportunity for the State of Tennessee as well as a potential economic burden on the existing residents of Sumner County; and WHEREAS, due to these unique circumstances, it is necessary and appropriate that Sumner County be given authorization to extend its taxing power to enable the county to impose a fair and reasonable share of the costs of public facilities necessitated by new development on that development so as not to create an unfair and inequitable burden on existing county residents; and WHEREAS, there is precedent in the State of Tennessee for such additional tax measures to impose costs on those who benefit from improvements and where the result would otherwise be to impose an unfair burden on existing residents; and WHEREAS, the most logical and effective mechanism to accomplish the intended result would be the imposition of a new privilege tax on new development in Sumner County and to use the revenues from such tax to provide the needed public facilities in those areas of Sumner County that would generally be required due to the growth in that area; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

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

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

- (a) "Board of Construction Appeals" means the board established in Sumner County pursuant to the requirements of the Southern Standard Building Code Congress.
- (b) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. This will not pertain to buildings used for agriculture purposes.
- (c) "Building Permit" means a permit for development issued in Sumner County, whether by the county or by any city therein.
- (d) "Capital Improvement Program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical

assets of the community are included.

(e) "Certificate of Occupancy" means a license issued for occupancy of a building or structure in Sumner County, whether by the county or by any city therein.

(f) "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 provides, adds to or increases the floor area of a residential use or industrial use.

(g) "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(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(h) "Floor Area" for residential developments means the total of the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.

(i) "General Plan" means the official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, Sections 13-3-301, 13-3-302, and 13-4-102. For purposes of this act only, a general plan may consist solely of the land development plan element which sets out a plan or scheme of future land usage.

(j) "Governing Body" means the Board of County Commissioners of Sumner County, Tennessee.

(k) "Industrial" means the development of any property for use by any person in a business classified as industrial under the United States Government Standard Industrial Classification Manual.

(l) "Major Street or Road Plan" means the plan adopted by the planning commission, pursuant to Tennessee Code Annotated, Sections 13-3-402 and 13-4-302, showing, among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, Widening, narrowing, vacating, abandonment or change of use of existing public ways...".

(m) "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, and the plural as well as the singular number.

(n) "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.

(o) "Public Buildings" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including, but not necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof.

(p) "Public Facility or Facilities" means a physical improvement undertaken by the county or city, 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 and/or city(ies).

(q) "Residential" means the development of any property for a dwelling unit or units.

(r) "Subdivision Regulations" means the regulations adopted by the Sumner County Regional Planning Commission on August 2, 1989, as amended, pursuant to State Statutory authorization, by which the county regulates the subdivision of land.

(s) "Zoning Resolution" means the resolution adopted by the governing body pursuant to State Statutory authorization on July 9, 1973, as amended, by which the county regulates the zoning, use and development of property.

SECTION 3. It is the intent and purpose of this act to impose a tax on new development in Sumner County payable at the time of issuance of a building permit 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 new and expanded public facilities made necessary by such development.

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

SECTION 5. The governing body may, 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 development of:

- (a) Public buildings;
- (b) Places of worship;
- (c) Barns or outbuildings used for agricultural purposes;
- (d) Replacement structures for previously existing structures destroyed by fire or other disaster;
- (e) A structure owned by a nonprofit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code; or
- (f) Additions to an existing single-family dwelling.

SECTION 7.

- (a) There is hereby imposed a tax on new development equal in an amount of seventy cents (\$.70) per gross square foot of floor area of new residential development. The amount of such tax shall be approved by not less than a two-thirds (2/3) vote of the Legislative Body of Sumner County.
- (b) There is hereby imposed a tax on new development equal in an amount of forty cents (\$.40) per gross square foot of floor area of new industrial development. The amount of such tax shall be approved by not less than a two-thirds (2/3) vote of the Legislative Body of Sumner County.

SECTION 8. Proceeds from the tax levied herein shall be applied to capital projects and/or the related debt service for new school construction for projects situated generally in the areas of growth due to the construction of dwelling units in such areas.

SECTION 9. The tax established in this act shall be collected at the time of application for a building permit for development as herein defined by a county official duly authorized only by the county executive. If the building permit is issued by the county, the county building official 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 Sumner County, the city shall, before issuance of the building permit, require evidence by a valid certificate executed by the county building inspector that the full amount of the tax due the county has been paid. The

issuance of a building permit by any city official, without 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 Sumner County is in addition to all other authority to impose taxes, fees, assessment, 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 such 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 official or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

- (a) By payment of the disputed amount to Sumner County and by notifying the official that the payment is made under protest.
- (b) By requesting an appeal of the decision of the official in written form within ten (10) days of the protest and payment. Appeals shall be heard by the Sumner 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 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 courts of the State. Hearings before the board shall proceed as follows:
 - (1) The county building official shall explain his ruling and the reason for his ruling.
 - (2) The appellant shall explain his reasons for protesting the ruling.
 - (3) The board may request further information from any county official, including, but not limited to, the county executive, county commissioners, or the 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 official or the person aggrieved may seek review of the board's action by certiorari and supersedeas to the Chancery Court of Sumner 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 Sumner County. This act shall be deemed to create an additional and alternative method for Sumner 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 Sumner County. Its approval or non-approval 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 as provided in Section 14.

Passed: May 24, 1999.

Hotel/Motel Tax

Private Acts of 1985 Chapter 7

SECTION 1. For the purposes of this Act, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (a) "Person" means any individual, firm, partnership, joint-venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, includes any hotel, inn, tourist camp, tourist court, motel, camping facility, campground, trailer park or any place in which rooms, lodgings, accommodations or spaces are furnished transients for consideration.
- (c) "Occupancy" means the use or possession, or the right to use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "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" 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 deductions therefrom whatsoever. Noting in this definition shall be construed to imply that consideration is charged to or received from any person, entity or the like.
- (f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.
- (g) "Tax collection official" mean the county clerk.

SECTION 2. A privilege tax is hereby levied in Sumner County upon the privilege of occupancy in any hotel of each transient, in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term of the county legislative body. Such tax is a privilege upon the transient occupying the room or space and shall be paid by the transient.

SECTION 3. The 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 the 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 Sumner County.

SECTION 4.

- (a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms or campground space to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, during or after occupancy, as may be the custom of the operator. 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 levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the county clerk in the form of a deduction in submitting his report and paying the amount due

by him, provided, however, that the amount due was not delinquent at the time of payment.

SECTION 5. No operator of a hotel, motel, or campground 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 be added to the rent, or that, if added, any part will be refunded.

SECTION 6. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight percent (8%) per annum, and in addition for a penalty on such taxes of one percent (1%) for each month or fraction thereof that 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 hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50). Any 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 refuses to pay the tax payable to the county clerk.

SECTION 7. It is the duty of every operator liable for the collection and payment of any tax imposed by 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 tax collection official shall have the right to inspect at all reasonable times.

SECTION 8. In administering and enforcing the provisions of this Act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in the Tennessee Code Annotated, Section 67-1-911, it being the intent of this Act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this Act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707 (a) and (b) with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

SECTION 9. The proceeds of the tax levied herein shall be appropriated in the annual budget by the county commission in the following manner: The first three hundred fifty thousand dollars (\$350,000) of the proceeds of the tax levied and collected each fiscal year shall be appropriated and distributed to the Sumner County Board of Tourism. Any amounts collected over and above that amount shall be appropriated and expended at the discretion of the county commission through its normal committee process and voting. In the event that less than three hundred fifty thousand dollars (\$350,000) is collected in any fiscal year, then only the amount of taxes levied and collected in that fiscal year shall be appropriated to the Board of Tourism for that fiscal year.

As amended by: Private Acts of 2010, Chapter 69.

SECTION 10. The tax collected by the county clerk shall be remitted by him to the county trustee for distribution in accordance with the terms of this Act and the laws of the state of Tennessee.

SECTION 11. The privilege tax levied by this Act 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 12. If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional, it shall not affect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared 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 Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Sumner County and certified by him 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 become effective upon being approved as provided in Section 13.

Passed: February 25, 1985.

Litigation Tax

Private Acts of 1981 Chapter 140

SECTION 1. Chapter 64 of the Private Acts of 1967 and Chapter 188 of the Private Acts of 1980 are hereby repealed.

SECTION 2. A litigation tax of seventeen and 50/100 dollars (\$17.50) shall be taxed as part of the cost in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Sumner County.

As amended by: Private Acts of 1986, Chapter 189.

SECTION 3. The clerks of the said courts shall collect the litigation tax and pay the money into the courthouse and jail maintenance fund, for the specific use of courthouse and jail maintenance, repairs and improvements. Provided, however, any money in such fund in excess of the amount required for adequate courthouse and jail maintenance, repairs, and improvements may be appropriated by the Sumner County legislative body to meet other governmental needs of Sumner County.

SECTION 4. All expenditures made from these revenues shall be made by the County Executive upon the authorization of the Sumner County legislative body.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Sumner County legislative body on or before October 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and shall be certified by him to the Secretary of State.

SECTION 6. This Act shall take effect upon its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 5.

Passed: May 13, 1981.

Wheel Tax

Private Acts of 1965 Chapter 22

SECTION 1. That for the privilege of using the public roads and highways, except State maintained roads, in Counties of this State having a population of not less than 36,200 nor more than 36,250 as determined by the Federal Population Census of 1960, or any subsequent Federal Population Census, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, motorcycles, motor-driven bicycles and scooters, and except all motor-driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such Counties, which tax shall be in addition to all other taxes, and shall be in the amount of Five Dollars (\$5.00) for each such motor-driven vehicle. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which lives within, or usually stays within, or who operates such a motor-driven vehicle on, over, or upon the streets, roads, or highways of said County or Counties, State maintained roads excluded, for a period of as many as thirty (30) days, during any year hereafter, beginning April 1st and ending the last day of the next succeeding March. The tax levied by this Act shall not apply to vehicles owned by persons who are full-time military personnel in any branch of the military service of the United States. While such vehicle owners are in full-time military service, such owners are required to file an affidavit with the County Court Clerk stating their name, rank, serial number and duty station in order to qualify for such exemption. Upon discharge from military service, such persons shall have thirty (30) days to comply with the requirements of this Act. It shall be and is hereby declared a misdemeanor and punishable as such for any owner of a vehicle to operate any motor-driven vehicle over the streets, roads, or highways of such Counties, State-maintained roads excluded, without the payment of the tax herein provided having been made as herein required, prior to such operation thereof. Provided further that nothing in this Act shall be construed as permitting and authorizing the levy of and the collection of a tax against non-residents of the Counties to which this Act applies and to owners of such vehicles using the streets, roads, and highways of such Counties, who live or reside without the bounds of said Counties, but who do not come within the provisions of this Act, and within a reasonable construction of the provisions hereof.

As amended by: Private Acts of 1975, Chapter 65.

SECTION 2. That the tax herein levied shall be paid to and collected by the County Court Clerk of Counties to which this Act is applicable, who shall collect this tax at the same time he collects the State privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. No Clerk in Counties to which this Act applies shall issue to a resident of such County, a State license for the operation of a motor-driven vehicle taxable hereunder, unless, at the same time, such owner shall purchase the license and pay the privilege tax levied hereunder, for the operation of each of his motor-driven vehicles under the provisions of this Act. A decal or emblem issued by the clerk shall be displayed by affixing the decal or emblem to the lower righthand side of the windshield of the

motor-driven vehicle for which the same was issued. The design of the decal or emblem shall be determined by the Clerk and the expense incident to the purchase thereof as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein and hereby incumbent upon the Clerk shall be paid from the general funds of the County. The privilege tax or wheel tax herein and hereby levied, when paid together with full, complete, and explicit performance of and compliance with all provisions of this Act, by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid, and on the windshield of which the decal or emblem has been affixed as herein provided, to operate this vehicle over the streets, roads and highways of the County from April 1st of each year to the next succeeding March 31st. When a motor-driven vehicle becomes taxable under the terms and provisions of this Act, at a later date than April 1st of each year, the same proportionate reduction shall be made as to the cost of the privilege tax or wheel tax, or the amount to be paid into the hands of the Clerk therefor, as is now made in the issuance of the privilege tax payable to the State of Tennessee and collected by the Clerk, under the provisions of the general laws of this State. For his services in collecting the aforesaid tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, he shall be entitled to a fee of 15 cents, and this fee shall be paid by and collected from the owner or person purchasing the privilege tax. The Clerk will 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 him for the aforesaid privilege tax, or wheel tax. It shall be and is hereby declared a misdemeanor and punishable as such for any motordriven vehicle, taxable hereunder, to be driven or impelled over or upon the streets, roads, or highways of the Counties to which this Act is applicable, State-maintained roads excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof. In the event any motor-driven vehicle for which the privilege tax or wheel tax has 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 ceased to operate same on the public streets, roads, or highways of said County, or in the event the owner transfers the title to the 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 a duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents and a 15 cent Clerk's fee therefor, the Clerk will then issue to such owner a duplicate receipt, cancelling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the windshield of the motor-driven vehicle for which it is issued, as hereinabove provided, 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 becomes obliterated, erased, or defaced or is destroyed under the provisions of this Act, and is therefor 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 and a 15 cent Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem. The clerk shall be required to retain copies of receipts issued pursuant to the provision of this act for a period of one (1) year following the completion of an audit of the clerk's office for the year in which such receipt was issued. After the expiration of such period, the clerk shall be authorized to dispose of such receipts in any manner in which the clerk may deem appropriate.

As amended by: Private Acts of 1974, Chapter 299.

SECTION 3. That the proceeds of the tax herein imposed, when collected in the hands of the County Trustee, shall be deposited in the general road fund of the County and shall be used exclusively for County road purposes, including raising the salaries of the employees who work on the County roads.

SECTION 4. That it is the intent of the General Assembly of the State of Tennessee, that this Act be construed as a measure providing for additional revenue for the Counties affected.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of any County to which it may apply at a special meeting held not more than thirty (30) days after its approval by the Chief Executive of the State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

SECTION 6. That any person violating the provisions of this Act, or of any part thereof, shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

SECTION 7. That the tax levied under this Chapter shall be collected for the tax year beginning April 1st, 1965 and for every year thereafter and the County Court Clerk shall collect this tax at the same time he collects the State privilege tax levied upon the operation of a motordriven vehicle for the year 1965 and

each succeeding year. This Act shall take effect from and after its passage, the public welfare requiring it. Adopted: February 10, 1965.

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

1. Private Acts of 1919, Chapter 446, was the authority for the County Court of Sumner County to appropriate up to \$600 out of the regular County funds to hire a Deputy Tax Assessor. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Private Acts of 1919, Chapter 456, authorized the Sumner County Court to fix the compensation of the Tax Assessor. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1947, Chapter 672, allowed the County Court to fix the salary of the Tax Assessor which would not exceed \$4,000 per year. The entire salary would not be paid until the Assessor had made up the assessments for the year and filed them with the County Court Clerk. The Assessor was authorized, subject to the approval of the County Court, to employ such help as was necessary to conduct his office efficiently at salaries which would be determined by the Quarterly Court. This Act was repealed by Private Acts of 1974, Chapter 369.

Taxation

The following is a listing of acts pertaining to taxation in Sumner 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, levied a series of taxes on property according to the schedule contained in the Act but Section 2 of the Act declared that the counties of Davidson, Montgomery, Sumner, Robertson, Washington, and Hawkins were exempt from the terms of this law.
2. Acts of 1797, Chapter 16, stated that the Sheriff of Sumner County had full power and authority to collect State taxes due in all that part of Robertson County which had been a part of Sumner County. Henceforth, the owner of lands divided by a county line would pay taxes to the county in which his home and improvements were located.
3. Acts of 1813, Chapter 131, was enabling legislation for the County Court of Sumner County to levy a tax yearly for the purpose of building a jail and stocks for the benefit of the county. The taxes would be collected and paid over to the Trustee in the normal and accepted manner. The court would appoint three Commissioners to contract with a suitable person to erect the same. The County Court would fill any vacancies.
4. Private Acts of 1831, Chapter 187, exempted Joseph Dwyer, of Gallatin, in Sumner County, from the payment of a tax for retailing merchandise in the County from April 17, 1830, until the present time and the County Court Clerk would not be held accountable for the amount of the tax herein released.
5. Acts of 1870, Chapter 50, authorized the counties and cities in the State to impose taxes for county and municipal purposes in the following manner, (1) that all taxable property would be taxed according to its value upon the principles established in regard to State taxation, and (2) that the credit of no county, or city, would be given, or loaned, to any person, firm or corporation except upon the consent of a majority of the Quarterly Court, or the Mayor and City Council, and, further, upon an election in which three-fourths of the voters approve the same. Twenty-six counties, including Sumner, exempted themselves from the three-fourths approval requirement in the election for the next ten year, substituting a simple majority approval instead.
6. Private Acts of 1913 (Ex. Sess.), Chapter 8, was the legal authority for the County Court of Sumner County to levy a tax not to exceed eight cents (8¢) per \$100 property valuation for the purpose of raising a fund to keep macadamized roads in good repair. Said funds would be kept separate and apart from other funds and used only for that purpose. The County Court was authorized to issue interest bearing notes at no greater interest rate than six percent (6%), and for no longer than two (2) years. This Act was repealed by Private Acts of 1974, Chapter 369.

7. Private Acts of 1931, Chapter 223, created the office of Delinquent Poll Tax Collector in counties having a population of no less than 22,193, and no more than 30,000. The Collector would be appointed by the County Judge, or Chairman, for a two (2) year term. All poll taxes not paid by May 1, 1931 and by March 1, each year thereafter would be declared delinquent, listed by the Trustee, and turned over to the Delinquent Poll Tax Collector who would issue distress warrants on the authority of the list. The Collector would use only those receipt books furnished to him by the Trustee, examine payrolls and other records, summon witnesses, and conduct hearings. It was a misdemeanor to fail to pay the poll tax, and penalties could be added to the amount due.
8. Private Acts of 1931, Chapter 518, amended Chapter 223, above, by making all poll taxes delinquent which were not paid by May 1, 1931, and by March 1 of each year following. The Collector was required to add to the list anyone whom he knew to be delinquent from other sources or his own knowledge.
9. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, as amended, in its entirety.
10. Private Acts of 1935, Chapter 827, which was repealed by Private Acts of 1974, Chapter 369, allowed the Quarterly Court of Sumner County to levy a special tax to repair and improve the county jail, which tax would not be less than two cents (2¢), nor more than ten cents (10¢), per \$100 property valuation.
11. Private Acts of 1963, Chapter 183, levied a tax of \$3 on motor driven vehicles, except tractors, motorcycles, motor bicycles, and scooters, for the privilege of using the public highways, except State maintained roads. Chapter 183 was repealed by Private Acts of 1974, Chapter 369.
12. Private Acts of 1965, Chapter 2, established in Sumner County a privilege tax on motor vehicles, except on farm tractors, self-propelled farm machines, motorcycles, motor driven bicycles and scooters and government owned vehicles, which tax would be five dollars (\$5) per vehicle and be in addition to all other taxes. All who operated such vehicles on the roads of Sumner County for thirty (30) days were liable for the payment of the tax. The County Court Clerk would collect the tax and issue decals. The Trustee would deposit the funds to the credit of the general road funds. This Act was rejected by the Quarterly Court and was also repealed by Private Acts of 1974, Chapter 369.
13. Private Acts of 1967-68, Chapter 64, levied a litigation tax of two dollars (\$2) as part of the cost in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Sumner County. This Act was repealed by Private Acts of 1981, Chapter 140.
14. Private Acts of 1980, Chapter 188, amended Private Acts of 1967-68, Chapter 64, above, to authorize the judge to suspend the litigation tax if other court costs were suspended. This Act was repealed by Private Acts of 1981, Chapter 140.

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