

Ordinance 175

BE IT SO ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE TOWN OF ASHLAND CITY, TENNESSEE THAT:

SECTION 1. As authorized by Tennessee Code Annotated, Sections 67-6-701 through 67-6-712, there is hereby levied an additional one-half of one percent (.5%) in the same manner and on the same privileges subject to the Retailers' Sales Tax Act (the "Act") under Title 67, Chapter 6, Parts 1-6 of the Tennessee Code Annotated, as the same may be amended, which are exercised in the Town of Ashland City ( hereafter "City"). The tax is levied on all such privileges at a rate of one half of one percent (.5%) in addition to the state rate of six percent (6%) and the county rate of two and one quarter percent (2.25%) for a total tax rate of eight and three quarters percent (8.75%) on taxable privileges exercised in the City.

SECTION 2. If a majority of those voting in the election, required by T.C.A. Section 67-6-706, vote for the ordinance, collection of the tax levied by this ordinance shall begin on the first day of a month occurring thirty (30) or more days after the Cheatham County Election Commissioners makes its official canvass of the election returns.

SECTION 3. It having been determined by the Department of Revenue of the State of Tennessee that it is feasible for this tax to be collected by the Department, that determination being evidenced by Local Option Sales and Use Tax Rules and Regulations heretofore promulgated by the Tennessee Department of Revenue, the Department shall collect the tax concurrently with the collection of the state tax in the same manner as the state sales tax is collected in accordance with rules and regulations promulgated by the Department. The City Recorder is hereby authorized to contract with the Department of collection of the tax by the Department and to provide in the contract that the Department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of the tax.

SECTION 4. In the event the tax is collected by the Department of Revenue, suits alleging that the tax was illegally assessed or collected shall be brought against the Tennessee Commissioner of Revenue and the City Recorder.

SECTION 5. A certified copy of this ordinance shall be transmitted to the Department of Revenue by the City Recorder forthwith, and shall be published one time in a newspaper of general circulation in the City prior to the election referred to in SECTION 2.

SECTION 6. The operation and implementation of this ordinance is subject to the approval of the qualified voters of the City as provided by the Act. Therefore, the Commissioners of Election Cheatham County, Tennessee are requested and directed to call and hold an election among the qualified voters of the City on the question of whether they are for or against the taxes hereby levied. Such election shall be held not less than forty-five (45) days nor more than sixty (60) days from receipt by said Commissioners of a certified copy of this ordinance. Upon completion thereof, the Commissioners of Election shall canvass the returns and certify to the Town of Ashland City's Mayor and Board of Alderman whether or not the taxes levied by this ordinance shall have received a majority vote in favor thereof.

SECTION 7. This ordinance shall take effect immediately from and after its passage, the welfare of the City requiring it, but for the purposes of holding and calling an election thereon, its effectiveness shall be suspended for a period of forty (40) days from and after the date of passage for the purpose of permitting the Board of County Commissioners of Cheatham County, Tennessee, to act by their resolution to levy the same tax through Cheatham County as a whole. If the Board of County Commissioners of Cheatham County shall adopt their resolution within such forty (40) day period, the implementation of a referendum upon this ordinance shall be further suspended until it shall have been determined whether or not the County tax is to be operative after a referendum of the voters of the County as a whole. If so approved in a county-wide referendum, then this ordinance shall be void and shall have no further force and effect, but if any tax levied by the Board of Commissioners of Cheatham County shall be rejected in such a referendum or if the Board of Commissioners of Cheatham County fails to take action adopting a levy of such additional local option sales and use taxes county-wide, then this ordinance shall be implemented after submission to referendum and approval of the qualified voters of the City as hereinbefore provided.

Adopted this the 9<sup>th</sup> day of September, 1997

APPROVED Mary Gray Jenkins ATTEST: Demetra O'Neal  
MAYOR CITY RECORDER

APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY

Passed on first reading Aug 9<sup>th</sup> 1997  
Public hearing held Sept 9<sup>th</sup> 1997  
Passed on second reading Sept 9<sup>th</sup> 1997