

# HICKMAN COUNTY, TENNESSEE

## RESOLUTION NO. 03-36

### IMPLEMENTING THE HICKMAN COUNTY LAND DEVELOPMENT TAX

**WHEREAS**, the General Assembly of the State of Tennessee has, by passage of Private Chapter 21 of the Private Acts of 2003, granted authority to Hickman County to levy and collect a privilege tax on new residential, industrial and commercial development in the County in order to provide that such development contributes its fair share of the cost of providing public facilities made necessary by such development;

**WHEREAS**, it now becomes necessary to exercise such authority and implement such tax.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Hickman County, Tennessee, assembled in special session this 31<sup>st</sup> day of July, 2003, that:

**SECTION 1:** The aforementioned authority to levy and collect a privilege tax on new residential, industrial and commercial development in Hickman County shall become effective from and after September 1, 2003.

**SECTION 2:** The amount of tax shall be \$1.00 per gross square footage of residential development, and \$0.25 per gross square footage on industrial and commercial development or, as provided in Section 7 of said Private Chapter, a minimum of \$1,500.00, whichever is greater.

**SECTION 3:** The tax shall be collected as provided in the attached "Rules And Regulations", which may be amended from time to time as deemed necessary by Resolution.

**SECTION 4:** For the purpose of exercising this authority, The Finance Director of Hickman County, or his/her designated deputy, is hereby named as the County Building Inspector.

**SECTION 5:** This Resolution shall be in force upon passage, and its provisions shall take effect as stated within, the public welfare requiring it.

**SPONSORS:**

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**BOARD ACTION:** \_\_\_\_\_Aye \_\_\_\_\_Nay \_\_\_\_\_Pass \_\_\_\_\_Absent

**ADOPTED:**

**ATTEST:**

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**Steve Gregory, Chairman**

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**Randel Totty, County Clerk**

# LAND DEVELOPMENT TAX OF HICKMAN COUNTY, TENNESSEE

## RULES AND REGULATIONS

1. DEFINITIONS: The following terms shall be used with respect to the implementation of the Hickman County Land Development Tax.
  - A) "The Act" - Shall mean the Hickman County Land Development Tax as authorized by Private Chapter 21 of the Private Acts of 2003, State of Tennessee.
  - B) "Building" - Shall have the same meaning as expressed in Section 2(b) of "The Act".
  - C) "Building Inspector" - Shall be the person or office designated by resolution of the Hickman County Commission.
  - D) "Capital Improvement Program" - Shall mean the same as defined in Section 2(d) and Section 5 of "The Act".
  - E) "Certificate of Occupancy" - Shall have the same definition as expressed in Section 2(e) of "The Act". For the purpose of simplicity in this document, it shall sometimes be referred to as the "Certificate".
  - F) "County Commission" - Shall mean the Hickman County Commission. For the purpose of simplicity in this document, it shall sometimes be referred to as the "Commission".
  - G) "County Trustee" - Shall be the person elected as such by the voters of Hickman County or his/her deputy.
  - H) "Fee" - Shall refer to the amount owed by a "Person" as a result of "The Act".
  - I) "Floor Area" - Shall have the same definition as expressed in Section 2 of "The Act", and shall apply to Industrial, Commercial and Residential.
  - J) "Person" - Shall refer to any individual, company, or group who is building, adding on, or moving a building in or to Hickman County, Tennessee.
  - K) "911 Director" - Shall refer to the person named as such by the Hickman County Emergency Communications Board.

2. CAPITAL IMPROVEMENT PROGRAM: The following list of capital improvements and their anticipated costs, shall be considered the Capital Improvement Program". This list shall be subject to review and amendment at any time by the "County Commission".

# East Hickman EMS Center - \$350,000

3. THE CERTIFICATE: - The "Certificate of Occupancy" shall be as follows:

- A) The "Certificate" shall be a carbon less, multi-copy form that will allow the "Building Inspector", "County Trustee", "911 Director" and "Person" to each have a copy.
- B) The "Certificate" shall have at a minimum the following:
- A) Name of the "Person"
  - B) Location of the "Building"
  - C) Purpose of the "Building"
  - D) Square footage of the "Building"
  - E) Any other information the "Building Inspector", "County Trustee", "911 Director" and "Appeals Board", may deem necessary to further complete their respective tasks.
- C) Each form will be pre-numbered at printing, and the "Building Inspector" shall keep a log of all "Certificates" that are issued.
- D) Under no circumstances shall a "Person" be allowed to obtain a 991 address before the levied tax has been paid or has been dealt with through the appeals process.

4. OBTAINING A CERTIFICATE OF OCCUPANCY: - Any "Person" wishing to build in or move to Hickman County a "Building" must submit a completed "Certificate of Occupancy" to the Hickman County "911 Director" before being granted a new 911 address. The following steps shall be taken in order to obtain a "Certificate of Occupancy".

- A) The "Person" shall fill out the "Certificate" and submit the form to the "Building Inspector". The "Building Inspector" shall determine if the "Building" falls under any of the types exempted under Section 6 of "The Act". If the "Building" is exempted under Section 6 of "The Act", the "Building Inspector" will so state on the "Certificate". The "Person" may then proceed directly to the "911 Director" and obtain the required 911 address.
- B) If it is determined by the "Building Inspector" that the "Building" is not exempt under Section 6 of "The Act", the following steps shall be taken.
- 1) The appropriate "Fee" will be determined by the "Building Inspector"
  - 2) The determination shall be made by multiplying the gross square footage of the "Building's" floor area by the appropriate amount, or use the

minimum amount as established by "The Act" of One Thousand Five Hundred Dollars (\$1,500.00), whichever is greater.

- 3) The "Certificate" shall include an entry that clearly shows how the "Fee" was derived.
  - C) Upon completing his/her part of the "Certificate", the "Building Inspector" shall sign as having approved the "Fee". The "Building Inspector" shall maintain one copy of the "Certificate" for his/her permanent files.
  - D) The "Person" shall then present the "Certificate" to the "County Trustee", and make the appropriate payment of "Fee".
  - E) Once payment is made, the "County Trustee" shall sign the "Certificate" as having received the proper fee from the "Person". The "County Trustee" shall keep one copy of the "Certificate" for his/her permanent files.
  - F) The "Person" shall then present the "Certificate" to the Hickman County "911 Director". The "911 Director" will confirm that the "Building Inspector" and County Trustee have signed the "Certificate" at which time the "911 Director" shall sign the form and give the "Person" his/her final copy. The "911 Director" shall then be authorized to provide a 911 address to the "Person".
  - G) In the event that a "Person" removes or has an existing building torn down for which the "Fee" has been previously paid and the building is replaced, only the increase (if any) gross square footage over the original shall be used in figuring any additional "Fee". A rebate for downsizing a building shall not be authorized. This additional "Fee" shall be collected in the following manner:
    - 1) The "Building Inspector" shall determine the increase in gross square footage of any "Building" that is subject to "The Act".
    - 2) The "Building Inspector" shall document this by using the "Certificate" which will indicate that this is a charge resulting from the expansion or replacement of the "Building".
    - 3) The "Building Inspector" shall sign the "Certificate" and retain a copy for his/her permanent records.
    - 4) The remaining copies shall be given to the "Person" to be presented to the "County Trustee" for payment.
    - 5) The "County Trustee" shall collect the "Fee", sign the "Certificate" and give one copy to the "Person".
    - 6) The "County Trustee" shall retain a copy of the "Certificate" for his/her permanent records and shall destroy the copy that would have been given to the "911 Director" for a new address.
5. ESTABLISHMENT OF AN APPEALS BOARD: - The "County Commission" shall, for the purpose of meeting Section 12 of "The Act", establish and "Appeals Board", as follows:
- A) The "Appeals Board" shall consist of 5 member chosen by the Hickman "County

Commission" in September of each calendar year. The member do not have to be members of the "Commission".

- B) Board members shall serve two-year staggered terms. Such terms shall begin in September, 2003, as follow:
    - 1) Board members one, two and three shall serve initial one-year terms and thereafter serve full two-year terms..
    - 2) Board members four and five shall serve initial full two-year terms.
  - C) Board members may be re-elected as desired by the "County Commission".
  - D) The Board shall elect a chairman and vice chairman at its first meeting each year after new appointments in September.
  - E) The Board shall meet on the first the first Monday of each month if there is business to consider. If there is no business to consider, the chairman shall notify all members and post appropriate notices.
  - F) The "Building Inspector" shall be responsible for bringing any appeals to the Board for their consideration.
  - G) The "Building Inspector" shall attend all Board meetings but shall not be a voting member of the Board.
  - H) The Board members and the "Building Inspector" shall be compensated at a rate of \$40.00 each per meeting to be paid from the General Fund of the County.
6. APPEALS PROCESS: - In the event that a "Person" believes that the tax levied is incorrect or not applicable, the following appeals process shall be followed:
- A) The "Person" will be able to utilize the appeals process in one of two ways:
    - 1) The "Person" may choose to pay the tax and clearly note that the tax is being paid under protest. This will be noted by checking the section of the "Certificate" stating such. A statement shall also be recorded on the "Certificate" as to why the "Person" wishes to appeal the tax. The normal application process for the completed "Certificate" shall then be followed.
    - 2) The "Person" may choose not to pay the purposed tax. In such cases the "Building Inspector" will take the application for the "Certificate" and note the reason for the protest. The "Person" shall then receive the last copy of the "Certificate" for his/her records to be used during the appeals process. The "Building Inspector" shall retain all other copies for his/her records.
  - B) The "Building Inspector" shall be responsible for the following duties in the appeals process:
    - 1) Insuring that the "Certificate" clearly states the reason for the appeal.

- 2) The each "Certificate" subject to appeal is forwarded to the Chairman of the Appeals Board. All such "Certificates" shall be returned to the "Building Inspector" at the conclusion of the appeals process.
  - 3) Other such duties as may be designated or required by the Appeals Board.
- C) The "Building Inspector" shall be responsible for scheduling all appeals and shall convey such schedule to the Chairman of the Appeals Board before the Board meets. The "Building Inspector" shall also be responsible for notifying the "Person" filing the appeal as to the appropriate Board meeting date.
  - D) The "Person" shall be scheduled to appear before the Appeals Board at its next meeting, if he/she makes application at least ten calendar days prior to such meeting. Otherwise, the "Person" shall be scheduled to appear before the Appeals Board at its next regularly scheduled meeting. If the "Person" fails to appear before the Appeals Board at the scheduled time, the Chairman will be allowed to schedule the person as time permits in the current or next meeting of the Board.
  - E) The Appeals Board will render a decision at the hearing, unless the Appeals Board has reason to contact the County Attorney for legal advice. In such cases the decision will be rendered at the next regularly scheduled meeting of the Board after the County Attorney has provided his/her opinion.
  - F) In the event the Appeals Board reverses or reduces the amount of a tax which has already been paid, it will be the Chairman's responsibility to provide written documentation to the "County Trustee" authorizing the refund. A copy of this letter will also be sent to and maintained on file by the "Building Inspector". This documentation shall include the following information:
    - ▶ Individual's name as recorded on the "Certificate"
    - ▶ Number of the "Certificate"
    - ▶ Amount of refund
    - ▶ Reason for refund
  - G) In the event the Appeals Board upholds the tax, the Chairman will send written documentation to the "Person", with a copy sent to and to be maintained by the "Building Inspector", stating the following:
    - ▶ Individual's name as recorded on the "Certificate"
    - ▶ Number of the "Certificate"
    - ▶ Reason for denying the appeal
  - H) In the event an appeal is denied on a "Certificate" where no tax has been paid, the "Person" shall again appear before the "Building Inspector" who will start the application process over with a new "Certificate".
7. DISPOSITION OF COLLECTED FUNDS - The funds collected as a result of this fee shall not become a part of, nor considered to be a part of, the general operating fund of the County (The General Fund). The funds shall be deposited into an account designated

as the Adequate Facilities/Development Tax Fund ("the Fund"). The County's finance director shall be required to gain approval in writing from the chairman of the County's Finance Committee for all expenditures from "the Fund". The Finance Committee's Chairman will at a minimum require documentation of all invoices/statements that are being presented for payment from "the Fund". The Finance Director shall keep all invoices/statements paid by "the Fund" in a separate file for each project that a payment is made. This is to insure that all expenses can be traced easily and quickly to their source.