

CHAPTER NO. 162

HOUSE BILL NO. 3276

By Representative Shepard

Substituted for: Senate Bill No. 3252

By Senator Jackson

AN ACT to amend Chapter 158 of the Private Acts of 2000; and any other acts amendatory thereto, relative to the Dickson County adequate facilities tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 158 of the Private Acts of 2000, is amended by deleting Section 3 in its entirety, and by substituting instead the following:

Section 3. It is the intent and purpose of this act to authorize Dickson County to impose a tax on new development in the county, which requires a building permit, payable at the time of issuance of a building permit or as set out hereinafter, so as to ensure and require that persons responsible for new development share in the burdens of growth by paying their fair share for the cost of new and expanded facilities made necessary by such development.

SECTION 2. Chapter 158 of the Private Acts of 2000, is amended by deleting Section 8 in its entirety and by substituting instead the following:

Section 8. The tax established in this act shall be collected in the following manner:

(1) If a building permit is issued by the county, the county building inspector's office shall receive payment in full at the time of application for a building permit for development as herein defined; or

(2) If the building permit is issued by a city, the city shall, before issuance of the building permit, require evidence of a valid certificate executed by the county building inspector's office that the full amount of tax due the county has been paid in full; or

(3) If a city does not require a building permit for development within the city, the person or entity desiring to engage in any kind of development within that city shall, before beginning development, pay to the county building inspector's office the full amount of the tax due and obtain a receipt for payment evidencing that the tax has been paid in full.

No building permit for development as herein defined shall be issued in Dickson County, nor shall any person be permitted to begin development unless the tax has been paid in full and the person has been issued a building permit, or, if any city does not require a building permit, the person has a receipt from the county building inspector's office evidencing payment of this tax in full. The issuance of a building permit by any city

official, without a 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 a certificate of tax been required by the city.

SECTION 3. Chapter 158 of the Private Acts of 2000, is amended by adding the following language as new Section 12A:

Section 12A. The county shall have a lien on any real property for the tax imposed by this act, if the tax has not been paid as required by this act, prior to the beginning of development. Notwithstanding any other provisions of this act, the county may seek and shall be entitled to injunctive relief to stop and enjoin further development of the property if the tax required by this act has not been paid in full. In addition the county shall have and retain such other rights that it may have at law for the collection of such taxes due hereunder.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dickson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Dickson County and certified to the secretary of state.

SECTION 5. 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 4.

PASSED: June 26, 2002


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 3rd day of July 2002


DON SUNDQUIST, GOVERNOR