ORIGINAL

RESOLUTION NO. 2006-14

RESOLUTION TO CORRECT SCRIVENER'S ERRORS IN RESOLUTION 2005-53, RESOLUTION TO LEVY AN ADDITIONAL COUNTYWIDE MOTOR VEHICLE TAX

WHEREAS, on June 20, 2005 and on July 25, 2005, the Weakley County Board of Commissioners passed Resolution Number 2005-53: "Resolution to Levy an Additional Countywide Motor Vehicle Tax" on first and second reading respectively according to law; and

WHEREAS, certain scrivener's errors were contained in said Resolution 2005-53 confusing the intent and will of the Board; and

WHEREAS, it is the intent of the Board by the passage of the instant Resolution to correct and remedy said scrivener's errors and to conform Resolution 2005-53 to its intended purpose and effect;

NOW, THEREFORE, BE IT RESOLVED by the Weakley County Legislative Body that Resolution 2005-53 be, and same hereby is amended and altered in order to correct certain scrivener's errors therein by replacing the language of Resolution 2005-53 in its entirety with the following:

"**WHEREAS,** *Tennessee Code Annotated*, Section 5-8-102, authorizes counties to levy a motor vehicle privilege tax as a condition precedent to the operation of a motor vehicle within a county; and

WHEREAS, the need for new revenue sources is great in Weakley County; and

WHEREAS, Weakley County currently has a motor vehicle privilege tax for motor-driven vehicles excluding motorcycles, motor-driven bicycles, and scooters in the amount of twenty dollars ($20.00) and a motor vehicle privilege tax for motorcycles, motor-driven bicycles and scooters in the amount of ten dollars ($10.00); and

WHEREAS, the county legislative body finds it to be in the best interests of Weakley County to raise the motor vehicle privilege tax to forty dollars ($40.00) for motor-driven vehicles excluding motorcycles, motor-driven bicycles, and the motor vehicle privilege tax for motorcycles, motor-driven bicycles and scooters to thirty dollars ($30.00).

NOW, THEREFORE BE IT RESOLVED, by the Weakley County legislative body that:

SECTION 1. For the privilege of using the public roads and highways in Weakley County, Tennessee, there is levied upon motor-driven vehicles excluding motorcycles, motor-driven bicycles, and scooters and upon the privilege of the operation thereof, a special privilege tax for the benefit of such county, which tax should be in the total amount of forty dollars ($40.00) for each such motor driven vehicle, the owner of which resides within said county.

SECTION 2. For the privilege of using the public roads and highways in Weakley County, Tennessee, there is levied upon motorcycles, motor-driven bicycles, and scooters and upon the privilege of the operation thereof, a special privilege tax for the benefit of such county, which tax should be in the total amount of thirty dollars ($30.00) for each such motorcycle, motor-driven bicycle and scooter, the owner of which resides within said county.

SECTION 3. Farm tractors and self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality and except for other exemptions provided by general law are exempt.

SECTION 4. The tax herein levied shall be paid to and collected by the County Clerk of Weakley County, who is authorized by *Tennessee Code Annotated*, Section 67-4-103, to collect such privilege taxes. The County Clerk shall collect this tax at the same time he or she collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The County Clerk shall deduct a fee of five percent (5%) as authorized in *Tennessee Code Annotated*, Section 8-21-701(55), from the amount of taxes collected and paid over to the County Trustee.

SECTION 5. The privilege tax or wheel tax herein levied, when paid together with full, complete, and explicit performance of and compliance with all provisions of this Resolution, by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid to operate or allow to be operated such vehicle over the streets, roads, and highways of the county for a period of one year which will run concurrently with the period established for the state registration fees by *Tennessee Code Annotated*, Section 55-4-104.

SECTION 6. In the event any motor-driven vehicle, for which the wheel tax has been paid becomes unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county; or in the event that the owner transfers the title to such vehicle and the owner makes proper application to the Clerk for the transfer of registration by such owner on another vehicle for the unexpired term of the license and the owner pays into the hands of the Clerk the sum of one dollar and fifty cents ($1.50), the Clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to the Clerk by the owner, and shall entitle the owner to operate or allow to be operated the vehicle upon the streets, roads, and highways of said county for the remainder of the period for which the original was issued.

SECTION 7. This resolution shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body at two (2) consecutive regularly scheduled meetings.

SECTION 8. For the purpose of approving or rejecting the provisions of this Resolution, it shall be effective upon being approved by a two-thirds (2/3) vote of the county legislative body of Weakley County at two (2) consecutive regular meetings. For the purpose of collection of the tax herein levied such collection shall begin on the first day of September, 2005, unless this resolution is subject to a referendum election pursuant to *Tennessee Code Annotated*, Section 5-8-102, whereupon the collection of the tax herein levied shall begin on the first day of the month following the month that this resolution is approved at a referendum.

SECTION 9. BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

SECTION 10. BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the, Board of County Commissioners."

Pursuant To The Rules Of The Commission, Resolution Number 2005-14 Is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:

SPONSORED BY:

ACKNOWLEDGED AND APPROVED:

SPONSORED BY:

Mac Buckley

ACKNOWLEDGED AND APPROVED:

Chairman, Finance, Ways & Means Committee

Motion made by Commissioner Westbrook that the foregoing resolution be adopted:

Motion seconded by Commissioner Buckley.

Upon being put to a roll call vote, Motion carried by a vote of 17 Yeas, 0 Nays, 1 Passed and 0 Absent.

Passed at the regular meeting of the Weakley County Commission September 19, 2005.

Passed 1st reading at the regular meeting of the Weakley County Commission September 19, 2005.

Motion made by Commissioner Jones that the foregoing resolution be adopted:

Motion seconded by Commissioner Owens.

Upon being put to a roll call vote, Motion carried by a vote of 17 Yeas, 0 Nays, 0 Passed and 1 Absent.

Passed 2nd reading at the regular meeting of the Weakley County Commission November 21, 2005.

ATTESTED:

Pat Scarbrough, County Clerk

APPROVED:

Richard Phebus, Chairman

APPROVED:

Ron Gifford, County Mayor

VETOED:

Ron Gifford, County Mayor

DATE: 09/26/05

DATE: _____

SECOND READING APPROVED:

DATE: 11/21/05