

## CHAPTER 33: FINANCE AND TAXATION

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## **GENERAL PROVISIONS**

### **§ 33.01 FISCAL YEAR.**

The fiscal year for the Town shall commence on July 1 and end on June 30 each and every year. ('81 Code, § 2-1)

### **§ 33.02 DESIGNATION OF DEPOSITORY.**

The Board of Commissioners shall have the authority to designate official depositories where funds of the Town are to be deposited. ('81 Code, § 2-2)

### **§ 33.03 CASH MANAGEMENT POLICY.**

(A) The Board of Commissioners hereby charges the Finance Officer, with the cooperation of all Town departments and officials, to devise and implement a cash management plan which addresses cash receipts, cash mobilization and management of available resources (investments), cash disbursements, banking relations, and monitoring and reporting on the plan. The cash management plan was implemented September 1, 1985, but no formal resolution was made to adopt this plan on that date.

(B) The independent Auditor of the Town shall monitor the Town's compliance with the established cash management plan and the reports of the Finance Officer thereon. He shall report his findings and recommendations annually to the Board as a part of the Town audit.

(C) The following procedures are hereby established and shall be incorporated in the cash receipts section of the cash management plan:

(1) Except as otherwise provided by law, all taxes and other monies collected or received by an officer or employee of the Town shall be deposited in an official depository in accordance with G.S. § 159-32.

(2) Monies received shall be deposited daily in the form and amounts received, except as otherwise provided by statute. These monies shall be deposited in a manner so as to receive the current day's credit.

(3) Monies due to the Town either by another governmental agency or by an individual shall be promptly billed, collected or deposited. The Finance Officer shall monitor the status of all uncollected monies owed to the Town and implement measures to collect any and all delinquent accounts except as otherwise provided by law. (Ord. passed 10-20-86)

**§ 33.04 EXCESS LOOSE CHANGE PROHIBITED.**

Employees of the Town may refuse to accept payment or tender of payment if made by loose or uncounted and unrolled coins if it appears to the Town employee that the payment contains:

(A) Fifty or more pennies;

(B) Forty or more nickels;

(C) Fifty or more dimes;

(D) Forty or more quarters; or

(E) If the total combination of loose coins exceeds \$5.  
(Ord. passed 4-13-87)

**§ 33.05 INSURANCE; GOVERNMENTAL IMMUNITY.**

(A) The Board of Commissioners may authorize the Town Manager, on behalf of the Town, to contract with one or more insurance companies authorized to do business in the State to protect the Town and Town Officers, employees and agents while acting in the line of duty, against losses arising from public liability, fire, theft, hail, windstorm and other causes, the amount and terms of policies to be as prescribed by the Board of Commissioners and agreed upon by the insurers.

(B) Nothing in this section shall be construed as a waiver by the Town of its governmental immunity beyond the extent of the amount and type of any insurance coverage obtained by the city pursuant to subsection (A) of this section and which is in effect at the time of any claim.

**Statutory Reference:** Waiver of immunity through insurance purchase, G.S. 160A-485.

**TAXATION**

**§ 33.15 TAX ORDINANCES NOT AFFECTED BY CODE.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance levying or imposing any tax of any nature and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

('81 Code, § 15-1)

**Statutory reference:** Authority to omit designated classes of ordinances from Code, see G.S. § 160A-77

**§ 33.16 APPRAISAL AND ASSESSMENT OF PROPERTY.**

For the property it is entitled to tax, the Town shall accept and adopt the appraisals and assessments fixed by the authorities of Franklin County as modified by the State Property Tax Commission under the provisions of the Machinery Act (G.S. § 105-271 et seq.). However, the requirement of this section shall not be construed to modify the appraisal and assessment authority given Towns with respect to discovered property by G.S. § 105-312. ('81 Code, § 15-2). *Statutory reference: Similar provisions, see G.S. § 105-327*

**§ 33.17 DUE DATE; INTEREST FOR NONPAYMENT OF TAXES; DISCOUNTS FOR PREPAYMENT.**

(A) All taxes levied by the Town under the provisions of the Machinery Act (G.S. § 105-271 et seq.) shall be due and payable on the first day of September of the fiscal year for which the taxes are levied. If paid:

(1) On or after the due date and before the sixth day of January thereafter, taxes shall be paid at par or face amount.

(2) On or after the sixth day of January following the due date and before the first day of February thereafter, there shall be added to the taxes interest at the rate of 2%.

(3) On or after the first day of February following the due date, there shall be added to the taxes, in addition to the 2% provided in division (A) (2) of this section, interest at the rate of three-fourths of 1% per month or fraction thereof until the taxes plus penalties and interest have been paid.

(B) Under the conditions established by this section, the Board of Commissioners shall have authority to establish a schedule of discounts to be applied to taxes prior to the due date prescribed in division (A) of this section. To exercise this authority, the Board shall:

(1) Not later than the first day of May preceding the due date of the taxes to which it first applies, adopt a resolution or ordinance specifying the amounts of the discounts and the periods of time during which they are to be applied.

(2) Submit the resolution or ordinance to the Department of Revenue for approval.

(3) Upon approval by the Department of Revenue, publish the discount schedule at least once in a newspaper having general circulation in the Town.

(C) For the purpose of computing discounts and interest, tax payments submitted by mail shall be deemed to be received as of the date shown on the postmark affixed by the United States Postal Service. If no date is shown on the postmark or if the postmark is not affixed by the

United States Postal Service, the tax payment shall be deemed to be received when the payment is received in the office of the Town Clerk. In any dispute arising under this division, the burden of proof shall be on the taxpayer to show that the payment was timely made. ('81 Code, § 15-3)

**Statutory reference:** *Similar provisions, see G.S. § 105-360*

### **§ 33.18 PARTIAL PAYMENTS.**

The Town Clerk is hereby authorized, empowered and directed to accept partial payments on taxes of not less than 25% of the total amount of taxes due by any taxpayer; provided, that the time for paying the installments shall not be extended beyond the time not provided by law for the advertisement and sale of property for taxes; provided further, that no installment payment or payments shall operate as a discharge of the tax lien until the principal amount of the taxes plus penalties, interest and costs allowed by law shall have been paid in full. ('81 Code, § 15-4)

**Statutory reference:** *Partial payment of taxes, see G.S. § 105-358; charge of lien on real property, see G.S. § 105-362*

### **§ 33.19 RELEASE OF SEPARATE PARCELS FROM TAX LIEN.**

(A) When the lien of taxes of any taxing unit for any year attaches to two or more parcels or real property owned by the same taxpayer, the line may be discharged as to any parcel at any time prior to advertisement of tax foreclosure sale in accordance with either division (A) (1) or (2) below:

(1) Upon payment, by or on behalf of the listing taxpayer, of the taxes for the year on the parcel or parcels to be released, plus all personal property taxes owed by the listing taxpayer for the same year.

(2) Upon payment, by or on behalf of any person (other than the listing taxpayer) who has a legal interest in the parcel or parcels to be released, of the taxes for the year on the parcel or parcels to be released, plus a proportionate part of the personal property taxes owned by the listing taxpayer for the same year. The proportionate part shall be a percentage of the personal property taxes equal to the percentage of the total assessed valuation of the taxpayer's real property in the taxing unit represented by the assessed valuation of the parcel or parcels to be listed.

(B) When real property listed as one parcel is divided, a part thereof may be released as provided in division (A) (1) of this section, after the assessed valuation of the part to be released has been determined and certified to the Town Clerk by the Tax Supervisor.

(C) It shall be the duty of the Town Clerk accepting a payment made under this section for the purpose of releasing the tax lien from less than all of the taxpayer's real property:

(1) To give the person making the payment a receipt setting forth a description of the real property releasing from the tax lien and bearing a statement that the property is being released from the tax lien.

(2) To indicate on the tax receipts, tax records and other official records of his office what real property has been released from the tax lien.

(3) If the Town Clerk fails to issue the receipt or make the record entries required by this division, the omission may be supplied at any time.

(D) When any parcel of real property has been released under the provisions of this section from the lien of taxes of any taxing unit for any year, the property shall not thereafter be subject to the lien of any other regularly levied taxes of the Town for the same year, whether the other taxes are levied against the listing owner of the property or against some other person acquiring title thereto. No tax foreclosure judgment for other taxes shall become a lien on the released property, and, upon appropriate request and satisfactory proof of the release by any interested person, the Clerk of the Superior Court shall indicate on the judgment docket that the judgment is not a lien on the released property. However, failure to make the entry shall not have the effect of making the judgment a lien on the released property.

('81 Code, § 15-5)

**Statutory reference:** *Similar provisions, see G.S. § 105-362*

### **§ 33.20 APPLICATION TO PROPERTY SOLD FOR TAXES.**

The rules stated in §§ 33.18 and 33.19 shall apply in cases where property has been sold for taxes and the Town is the holder of the certificate of sale; provided, no suit has been instituted to foreclose the certificate; provided further, that the first applicant for a release in accordance with the provisions of § 33.19 shall pay the cost of advertising, selling and issuing of certificate of sale. ('81 Code, § 15-6)

### **§ 33.21 TOWN CLERK TO CONDUCT SALE.**

The Town Clerk is hereby designated or commissioned to sell all property, real or personal of the tax liens thereon, to satisfy any tax lien, penalties or forfeiture, as is provided under the state laws. ('81 Code, § 15-7)

**Statutory reference:** *Sale of tax liens on real property for failure to pay taxes, see G.S. § 105-369*

## **DISPOSITION OF PROPERTY**

### **§ 33.30 AUTHORITY TO DISPOSE OF SURPLUS PROPERTY.**

The Town Manager is hereby authorized to dispose of any surplus personal property owned by the city, whenever he determines, in his discretion, that:

- (A) The item or group of items has a fair market value of less than \$5,000.00;
- (B) The property is no longer necessary for the conduct of public business; and

(C) Sound property management principles and financial considerations indicate that the interests of the Town would best be served by disposing of the property.

**§ 33.31 METHODS OF DISPOSAL.**

The Town Manager may dispose of any such surplus personal property by any means which he judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in the general statutes. Such sale may be public or private, and with or without notice and minimum waiting period.

**§ 33.32 SALE, RETENTION OR DISPOSAL OF PROPERTY.**

The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town if greater value may be obtained in that manner, and the Town Manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Town Manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Board of Commissioners.

**§ 33.33 RECORDS.**

The Town Manager shall keep a record of all property sold under authority of this article and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.