

Middlesex County Board of Supervisors



ORDINANCE

At a meeting of the Middlesex County Board of Supervisors held on June 2, 2020 at 7:00 p.m. electronically: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Williams, the following Ordinance was adopted by the following vote:

Lud Kimbrough	Aye
Wayne H. Jessie, Sr.	Aye
John B. Koontz, Jr.	Aye
Reginald Williams	Aye
Peter W. Mansfield	Abstain

AN ORDINANCE AMENDING THE MIDDLESEX COUNTY TRANSIENT OCCUPANCY TAX FROM 2% TO 5% PURSUANT TO VIRGINIA CODE SECTION 58.1-3819

WHEREAS, counties of the Commonwealth are authorized, pursuant to state law, to levy and collect a transient occupancy tax; and

WHEREAS, effective July 1, 2020 pursuant to Virginia Code Section 58.1-3819, Middlesex County is authorized to levy and collect up to 5% transient occupancy tax; and

WHEREAS, the County desires to amend its Transient Occupancy Tax from 2% to 5% effective July 1, 2020 pursuant to Virginia Code Section 58.1-3819; and

WHEREAS, pursuant to Virginia Code Section 58.1-3819, any excess over 2% of said tax shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the County, increase

occupancy at lodging properties, and generate tourism revenues in the County;
and

WHEREAS, the Middlesex County Board of Supervisors after careful consideration, believes this ordinance is in the best interests of the citizens of Middlesex County.

NOW, THEREFORE, BE IT ORDAINED by the Middlesex County Board of Supervisors this 2nd day of June 2020, that Transient Occupancy Tax Ordinance adopted April 3, 2018 is hereby amended as follows:

1. Short Title

This ordinance may be known and referred to as the Middlesex County Transient Occupancy Tax.

2. Definitions

The following words and phrases, when used in this ordinance, shall, for the purposes of this ordinance, have the following respective meanings, except when the context clearly indicates a different meaning:

Commissioner. The Commissioner of the Revenue of the County or his/her authorized designee.

Hotel. Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, travel campground or tourist camps, or other lodging place within the County offering lodging, as defined herein, for compensation, to any transient as defined herein.

Individual. One (1) or more natural persons.

Lodging. Space or room furnished any transient, including the total charge made by any hotel for room or space furnished any transient. If the charge made by such hotel to such transient includes any charge for services or accommodations in addition to that of lodging and/or the use of space, then such portion of the total charges as represents only room and/or space rental

shall be distinctly set out and billed to such transient by such hotel as a separate item.

Person. Any individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; and any combination or group of individuals acting as a unit.

Transient. Any individual or group of same individuals who, for a period of fewer than thirty (30) consecutive days, either at his own expense, or at the expense of another, obtains lodging at any hotel as defined herein.

Treasurer. The Treasurer of the County or his/her authorized designee.

3. Tax Levied

Pursuant to the authority granted under § 58.1-3819 of the Code of Virginia, as amended, commencing July 1, 2020, there is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by laws, on each transient a tax equivalent to five (5) percent of the total amount paid for lodging by or for any such transient to any hotel. Such tax shall be collected from such transient at the time and in the manner provided by this ordinance.

Pursuant to Virginia Code Section 58.1-3819, 1950, as amended, any excess over two (2) percent of said tax shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues in the County.

4. Exemptions From Tax

No tax shall be payable under this ordinance on room rental paid to any hospital, medical clinic convalescent home or home for the aged.

5. Collection Procedure

Every person receiving any payment for lodging with respect to which a tax is levied under this ordinance shall collect the amount of such tax so imposed from the transient on whom such tax is levied or from the person paying for such lodging at the time payment for such lodging is made. The taxes required to be collected under this section shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this ordinance.

6. Reports And Remittance Of Tax Collected

The person collecting the tax levied under this ordinance shall make a report upon such forms and setting forth such information as the Commissioner of the Revenue may prescribe and require.

Such report shall show the amount of lodging charges collected and the tax required to be collected and shall be signed and delivered to the Commissioner of the Revenue. Such reports shall be made monthly on or before the 20th of each month.

The taxes collected during each calendar month shall be reported and paid by each person to the Treasurer. The taxes collected by the person shall be deemed to be held in trust by such person until they have been remitted to the Treasurer.

If the remittance is by check or money order, it shall be payable to the County Treasurer.

7. Interest And Penalties Upon Failure Or Refusal To Remit Tax

If any person shall fail or refuse to remit to the Treasurer the tax required to be collected and paid under this ordinance within the time and in the amount specified in this ordinance, there shall be added to such tax by the Treasurer a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of ten (10) percent per annum, which shall be computed upon the taxes and penalty from the date such taxes are due and payable.

8. Failure Or Refusal To Collect And Report Tax

If any person shall fail or refuse to collect the tax imposed under this ordinance and to make, within the time provided in this ordinance, the reports and remittances required in this ordinance, the Commissioner shall proceed in such manner as she/he may deem best to obtain facts and information on which to base her/his estimate of the tax due. As soon as the Commissioner shall procure such facts and information as she/he is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to collect such tax, and to make such report and remittance, she/he shall proceed to determine and assess against such person such tax, penalty and interest as provided for in this ordinance, and shall notify such person, by certified mail sent to her/his last known place of address, of the amount of such tax, interest and penalty, and the total amount thereof shall be payable within ten (10) days from the date of the mailing of such notice.

9. Records To Be Kept By Person Liable For Collection And Payment Of Tax

It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this ordinance to keep and to preserve for a period of four (4) years such suitable records as may be necessary to determine and show accurately the amount of such tax as he/she may have been responsible for collecting and paying to the County. The Commissioner and any duly authorized agent of the County may inspect and copy such records at all reasonable times.

10. Tax Immediately Due And Payable Upon Cessation Of Business

Whenever any person required to collect and remit the tax imposed and levied by this ordinance shall go out of business, dispose of his/her business or otherwise cease to operate, all of such taxes collected shall thereupon be reported and remitted to the Commissioner of the Revenue and remitted to the Treasurer.

11. Penalty For Violation Of Ordinance

Any person violating or failing to comply with any of the provisions of this

ordinance shall be guilty of a Class 1 misdemeanor. Each violation or failure shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of the tax as provided in this ordinance.

12. Severability

If any provision of this ordinance, or any application of such provision to any person or under any circumstances, shall be invalid, the remainder of this ordinance, or the application of such provisions to persons or under circumstances other than those to which it shall have been held invalid, shall not be affected thereby.

Adopted by the Board of Supervisors of Middlesex County, Virginia, at a meeting on the 2nd day of June 2020, following a duly advertised public hearing.

THIS ORDINANCE SHALL BE EFFECTIVE JULY 1, 2020.

A Copy Teste:



Matt Walker
Clerk