

Sec. 66-55. Violations of article and penalties.

Any person ~~violating who shall violate or failing to comply with any provision of this article or who shall file a false or misleading monthly report hereunder,~~ shall be guilty of a class ~~1-3~~ misdemeanor and fined an amount of not more than \$1,000.00. ~~Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this article.~~

(Ord. No. 33, 6-28-84)

Cross reference— *Penalty for class 1 misdemeanor, § 1-10.*

Sec. 66-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel means any public or private hotel, inn, hostelry, tourist home or house, bed and breakfast, tourist camp, tourist cabin, camping grounds, motel, roominghouse or other lodging place within the town offering lodging, for compensation, to any transient.

Lodging means any room, lodging or space furnished to any transient.

Transient means any person(s) who, for any period of not more than 930 consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging in at any hotel, motel tourist home, or other facility.

(Ord. No. 33, § 1, 6-28-84; Ord. of 6-8-93)

Cross reference— *Definitions and rules of construction generally, § 1-2.*

Sec. 66-57. Levied; amountAmount of levy.

There is hereby levied and imposed on each transient a tax equivalent to three and seven-tenths percent (3.7%) of the total amount paid for lodging, by or for any such transient, to any hotel, motel, bed and breakfast, campground, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days, within the town with one percent being collected and paid to the Eastern Shore Tourism Commission. The revenue collected from the Transient Occupancy Tax shall be allocated for tourism-related initiatives.

(Ord. No. 33, § 2, 6-28-84; Ord. No. 364, 1-14-92; Ord. No. 021103, 2-11-03; Ord. No. 20100408A, 4-8-10)

State law reference— *Authority for above tax, Code of Virginia, § 58.1-3840.*

Sec. 66-58. Exemptions.

(a)

No tax shall be payable under this article in any of the following instances:

(1)

On charges for lodging paid by any official or employee of the federal government or of this state or town, when on official business.

(2)

On charges for lodging paid to any hospital, medical clinic, convalescent home or home for aged people.

(b)

The tax imposed by this article shall not apply to the rental of condominiums, apartments, townhouses or single-family houses which are rented for occupancy for periods exceeding 30 consecutive days.

(Ord. No. 33, § 3, 6-28-84; Ord. No. 364, 1-14-92)

Sec. 66-59. Collection.

Every person receiving any payment for lodging with respect to which a tax is levied under this article 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 article.

(Ord. No. 33, § 4, 6-28-84)

Sec. 66-60. Reports and remittances generally required.

Every person collecting any tax levied by this article shall make out a report thereof, upon such forms and setting forth such information as the ~~county town~~ treasurer may prescribe and require, showing the amount of lodging charges collected and taxes required to be collected. Such person shall sign and deliver such report to the county town treasurer with the remittance of such the taxes collected. A duplicate copy of the report shall be ~~provided to the town treasurer.~~ Such reports and remittances shall be made remitted to the town treasurer on or before the 20th day of each month covering the amount of tax collected during the preceding month.

(Ord. No. 33, § 5, 6-28-84; Ord. No. 364, 1-14-92)

Sec. 66-61. Collector's records.

It shall be the duty of every person liable for the collection and remittance to the town of any tax imposed by this article to keep and to preserve, for a period of ~~two~~ four years, ~~such~~ all suitable records as may be necessary to determine the amount of tax ~~he~~ was

responsible for to have been collected and remitted to the town. The town treasurer, or a designated representative, may inspect such records at all reasonable times.

(Ord. No. 33, § 7, 6-28-84)

Sec. 66-62. Duty of collector going out of business.

Whenever any person required to collect and remit a tax under this article shall cease to operate or otherwise dispose of his business, any tax payable under this article shall become immediately due and payable and such person shall immediately make a report and pay the tax due.

(Ord. No. 33, § 8, 6-28-84)

Sec. 66-63. Compensation for collection.

For the purpose of compensating sellers for the collection of tax imposed by this article, every seller shall be allowed five percent of the amount of the tax due and accounted for in the form of a deduction on the monthly return, provided the amount due is not delinquent at the time of payment.

(Ord. No. 33, § 6, 6-28-84)

State law reference — Authority for above section, Code of Virginia, § 58.1-3819.

Sec. 66-6462. Penalty and interest for late remittance or false return payment.

(a)

If any person whose duty it is to do so shall fail or refuse to make the report or remit to the town treasurer the tax required to be collected and paid under by this article within the time and in the amount required specified, there shall be added to the such tax a penalty in the amount of ten percent of the tax thereof, and interest thereon at the rate of ten percent per annum, which shall be computed upon the taxes and penalty from the first day date of the month next following the month in which such were are due and payable.

(b)

In the case of a false or fraudulent return with intent to defraud the town of any tax due under this article, a penalty of 50 percent of the tax shall be assessed against the person required to collect such tax.

(Ord. No. 33, § 9, 6-28-84)

Sec. 66-65.63 Procedure upon fFailure to collect taxes, or make reports, etc.

(a)

If any person, whose duty it is so to do, shall fail or refuse to collect the tax imposed under this article, and to make, within the time provided in this article, the timely reports and remittances thereof, required in this article, the town treasurer shall

proceed in such manner as he may deem best as is practicable to obtain facts and information on which to base his an estimate of the tax due. As soon as the treasurer has procured such whatever facts and information as he is able to which may be obtainable, 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 or remittance such tax, he the treasurer shall proceed to determine and assess against such person the tax, and penaltyies and interest provided for by in this article and shall notify such person, by registered mail, sent to his last known place of address, of the total amount of such tax, and penaltyies and interest. †The total amount thereof shall be payable within ten days from after the date of such notice is sent.

(b)

~~It shall be the duty of the treasurer to ascertain the name of every person operating a hotel in the town, liable for the collection of the tax levied by this article, who fails, refuses or neglects to collect such tax or to make within the time provided by this article, the reports or remittances required in this article. The treasurer may have a summons issued for such person in the manner provided by law and may serve a copy of such summons upon such person in the manner provided by law and shall make one return of the original to the general district court of the county.~~

(Ord. No. 33, 6-28-84)

Sec. 66-66. Collection and remittance by county.

~~The tax imposed by this article shall be collected by the county within the corporate limits of the town and remitted annually, with accrued interest, to the town for the time and purposes specified in paragraphs 6 and 7 of the annexation agreement between the County of Northampton and the Town of Cape Charles, dated November 25, 1991.~~

(Ord. No. 364, 1-14-92)

Sec. 66-6764. Date; effective.

This article shall become effective on April 1, 2003, for all transient tax on that date or thereafter.

(Ord. No. 021103, 2-11-03)

Sec. 66-6865—66-76. Reserved.

Reference from Annexation Agreement

annexation of the property described above shall be effective at midnight on December 31, 1991, or at midnight of the last day of the month during which the Order validating the annexation is entered by the Court, whichever occurs last.

4. The Town and County agree to form a committee consisting of two elected representatives from the Town's Council and two elected representatives from the County's Board of Supervisors (hereinafter Committee). The Committee shall study, review, discuss and report back to their respective bodies, on current and future issues of mutual concern between the Town and County. The Committee shall be utilized by the Town and County as a forum to exchange information and views of the two political bodies in an effort to encourage cooperation between the Town and County.

5. The Town and County agree to seek to resolve issues of concern to either or both by the exchange of information, open discussion, negotiation, and cooperation.

6. Following the effective date of annexation, the Town shall promptly initiate and expeditiously take all action necessary and proper to authorize and permit Northampton County to impose a transient occupancy tax within the corporate limits of the Town of Cape Charles. The tax rate shall be the lesser of two percent (2%) or the rate imposed upon the unincorporated areas of Northampton County. Such tax may be imposed upon all classes of facilities permitted by Article 6, Chapter 38, Title 58.1 of the Code of Virginia, 1950, as amended. Such tax shall not apply to the rental of condominiums, apartments, townhouses or single family houses

which are rented for occupancy.

7. For the first ten (10) years following the imposition of such tax by the County, the County shall cause such revenue as is derived from collections within the corporate limits of the Town of Cape Charles to be forwarded annually to the Town to be used by the Town for purposes of beach replenishment, harbor improvements, recreation or beautification within the corporate limits of the Town of Cape Charles or along the corridor between the Town of Cape Charles and U.S. Route 13. Thereafter the County shall retain such revenue and may use same for any purposes permitted by law.

8. The County acknowledges that the Town and the Commission have concerns about the potential impact to the existing business districts within the towns of Cape Charles and Cheriton caused by commercial development along the Virginia State Route 184 corridor and at the traffic light on U.S. Route 13. The Town and County also acknowledge that land use and development decisions within the post-annexation boundaries of Cape Charles, the corridor between Cape Charles and U.S. Route 13 and the area adjacent to U.S. Route 13 at the intersection with Old Stone Road (Virginia State Route 184) are important matters both to the Town and County. Each party agrees to receive comments from the other relative to these matters and to give due consideration to the comments and other input made by the other. In addition, the County agrees that if the Town submits within twelve months of the effective date of annexation a proposal for amendment to the land use section of the Northampton County Comprehensive Plan regarding land use in such