

CHAPTER 23 ARTICLE XIII - TRANSIENT OCCUPANCY TAX

State Law reference— Transient occupancy tax, Code of Virginia, § 58.1-3819 et seq.

Sec. 23-302 - 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, motel, roominghouse, or other lodging place within the county offering lodging for compensation to any transient.

Innkeeper means any person who provides lodging for compensation to any transient.

Lodging means room or space furnished any transient.

Transient means any person who, for a period of fewer than 30 consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel.

Sec. 23-303. - Imposed; amount.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind imposed by law, on each transient, a tax equivalent to two percent of the total amount paid for lodging by or for such transient to any hotel.

Sec. 23-304. - Use of proceeds.

The proceeds from the tax imposed by this article shall be set aside and assigned to a capital improvement fund.

Sec. 23-305. - Duty of innkeeper to collect and remit; innkeeper's reports.

It shall be the duty of every innkeeper, in acting as the tax collection medium or agency for the county, to collect from the transient, for the use of the county, the tax imposed and levied by this article at the time of collecting the amount charged for the lodging, and the taxes collected during each calendar month shall be reported and remitted by each innkeeper to the commissioner of the revenue, on or before the 20th day of the following calendar month. The taxes collected by an innkeeper shall be deemed to be held in trust by such innkeeper until they have been remitted to the commissioner of the revenue. The required report shall be in such form as may be prescribed by the commissioner of the revenue. All remittances received by the commissioner of the revenue shall be turned over promptly to the county treasurer.

Sec. 23-306. - Report and remittance when collector goes out of business.

Whenever any person required to collect and pay the county a tax pursuant to this article shall cease to operate, go out of business, or otherwise dispose of his business, any tax then payable to the county shall become immediately due and payable, and such person shall immediately make a report and pay the tax due the commissioner of the revenue.

Sec. 23-307. - Penalty and interest for nonremittance.

If any person shall fail or refuse to remit the tax required to be collected and paid under this article, within the time and in the amount as provided for in this article, there shall be added to such tax a penalty in the amount of ten percent thereof or the sum of \$10.00, whichever shall be greater, and interest thereon at the rate of ten percent per annum,

which shall be computed upon the tax and penalty from the date such taxes were due and payable.

Sec. 23-308. - Procedure upon failure to collect, report and remit.

If any person shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances required, the commissioner of the revenue shall proceed in such manner as he may deem best to obtain facts and information on which to base the tax due. As soon as the commissioner of the revenue shall secure such facts and information as he is able to obtain upon which to base the assessment of any tax due and payable by any person who has failed or refused to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such person such tax and penalty and interest as in this article provided for and shall notify such person, by registered mail sent to his last known place of address, of the amount of such tax and interest and penalty, and the total amount thereof shall be payable within ten days after such notice. The commissioner of the revenue shall have the power to examine such records for the purpose of administering and enforcing the provisions of this article as are provided by law.

Sec. 23-309. - Collector's records.

It shall be the duty of every person liable for the collection and payment to the county of any tax imposed by this article to keep and preserve, for a period of two years, such suitable records as may be necessary to determine the amount of such tax as he may have been responsible for collecting and paying to the county. The commissioner of the revenue may inspect such records at all reasonable times.

Sec. 23-310. - Power and duty of county treasurer.

The county treasurer shall have the power and the duty of collecting the taxes imposed and levied by this article.

Sec. 23-311. - Penalty for violation.

It shall be unlawful for any person to violate any of the provisions of this article. Any person violating any of the provisions of this article, upon conviction, shall be punished by a fine of not less than \$25.00 nor more than \$200.00 or by confinement in jail not exceeding 30 days, either or both. Each violation and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection, or remittance of the tax as provided in this article.