

ORDINANCE NO. 244

Amending Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town

THE TOWN OF FARMVILLE HEREBY ORDAINS:

1. The amending of Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town as follows:

ARTICLE VI. - TAX ON TRANSIENT LODGING

Footnotes:

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State Law reference— Tax on transient room rentals, Code of Virginia, § 58.1-3840.

Sec. 25-131. - Definitions.

The following words and phrases, when used in this article, have the following respective meanings except when the context clearly indicates a different meaning:

Hotel means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, or other lodging place within the city offering lodging for compensation to any transient.

Lodging means space or room furnished any transient.

Transient means any person who, for a period of not more than thirty (30) consecutive days, either at his own expense, or at the expense of another, obtains lodging at any hotel.

Treasurer Finance Director means the town ~~treasurer~~ **finance director** and any of his/*her* duly authorized agents.

(Code 1973, § 25-36)

Sec. 25-133. - Levied.

There is hereby imposed and levied by the town on each transient a tax equivalent to **seven** ~~(7) eight~~ **(8)** percent of the total amount paid for lodging including any other taxes levied thereon by or for any transient to any hotel or motel.

(Ord. of 6-26-90(2); Ord. No. 77, 10-8-2003; Ord. No. 141, 6-16-2011)

Sec. 25-137. - Reports, remittance of tax collected.

The responsible person collecting any tax as provided in this article shall make out a record thereof upon such forms and setting forth such information as the **treasurer-finance director** may prescribe and require, showing the amount of lodging charges collected and the tax required to be collected, and shall sign and deliver such reports to the **treasurer finance director** with a remittance of such tax. Such report and remittance shall be made on or before the twentieth day of each month for taxes collected the preceding month. All payments of monies shall be to the town **treasurer-finance director**.

(Code 1973, § 25-42; Ord. No. 18, 2-10-93)

Sec. 25-138. - Interest, penalties.

If any responsible person shall fail or refuse to remit to the town **treasurer-finance director** the tax required to be collected and paid under this article within the time and in the amount specified in this article there shall be added to such tax by the **treasurer-finance director** a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of eight (8) percent per annum which shall be computed upon the taxes and penalty from the date such taxes are due and payable. ***The Town shall be permitted to recover its attorney's fees incurred in collection efforts against any non-compliant person or entity.***

(Code 1973, § 25-43; Ord. No. 18, 2-10-93)

State Law reference— Maximum interest rate, etc., Code of Virginia, § 58.1-3916.

Sec. 25-139. - Failure or refusal to collect and report tax.

If any responsible person shall fail or refuse to collect the tax imposed by the provisions of this article and to make payment within the time required according to the reports and remittances required by this article, the **treasurer-finance director** shall proceed in such manner as he may deem best to obtain the facts and information on which to base his estimate of the tax due. As soon as the **treasurer-finance director** procures such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any person who shall fail or refuse to collect such tax and to make such report

and remittance, he shall proceed to determine and assess against such responsible person such tax and penalty and interest provided by this article and shall notify such responsible person by registered mail sent to his last known place of address of the amount of such tax and penalty and interest, and the total amount thereof shall be payable within ten (10) days from the date of such notice. The **treasurer-finance director** shall have the power to examine such records for the purpose of administering and enforcing the provisions of this section. If any responsible person fails to comply with this article or any provision of it, the **treasurer-finance director** may terminate the business license issued pursuant to [section 14-11](#) or in the alternative, may require the responsible person to place a deposit with the **treasurer-finance director** equal to the greater of one thousand dollars (\$1,000.00) or the equivalent of one (1) month's tax imposed under this article. Said deposit is to serve as security for the payment of future taxes due hereunder.

(Code 1973, § 25-35; Ord. No. 13, 6-11-92; Ord. No. 18, 2-10-93)

Sec. 25-140. - Records.

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this article to keep and to preserve for a period of two (2) years such suitable records as may be necessary to determine and show accurately the amount of such tax as he may have been responsible for collecting and paying to the town. The **treasurer-finance director** may inspect such records at all reasonable times.

(Code 1973, § 25-45)

Sec. 25-141. - Procedure upon cessation of business.

Whenever any person required to collect and pay to the town a tax under this article shall cease to operate or dispose of his business, he shall notify the **treasurer-finance director** of such fact and any tax payable on the date such person shall cease to operate or dispose of his business and such person having made a report through such date for the collection of such taxes thereafter. Otherwise such person shall be liable for such taxes through the succeeding collection date.

(Code 1973, § 25-46)

2. This ordinance shall be in full force and effect on July 1, 2026.

Approved: _____
Mayor

Attest: _____
Clerk of Council

I certify that the above ordinance was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable A.D. "Chuckie" Reid: _____.

The Honorable Sallie O. Amos _____.

The Honorable Daniel E. Dwyer _____.

The Honorable Tommy Pairet _____.

The Honorable Adam Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John Hardy _____.