

**ORDINANCE 12-002 OF THE TOWN OF COEBURN VIRGINIA
IMPOSING A TRANSIENT OCCUPANCY TAX**

Imposed; amount.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, on each transient, a tax equivalent to five (5) percent of the total amount paid for lodging by or for such transient to any hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms.

State law reference— Authority to impose tax on transient room rentals, Code of Virginia, § 58.1-3840.

Collection.

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 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. Such taxes shall be deemed to be held in trust by the person collecting the same until the same have been remitted to the town.

Collector's report and remittance generally.

The person collecting any tax as provided in this ordinance shall make out a report thereof, upon such forms and setting forth such information as the town treasurer may prescribe and require, showing the amount of lodging charges collected and the tax required to be collected, and shall sign and deliver such report to the town treasurer with the remittance of such tax. Such report and remittance shall be made no later than the 20th day of the month following the collection of the tax.

Collector's records.

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this ordinance to keep and preserve, for a period of two (2) years, such suitable records as may be necessary to determine the amount of such tax as he/she may have been responsible for collecting and paying to the town. The town treasurer or a designated representative may inspect such records at all reasonable times.

Report and remittance when collector goes out of business.

Whenever any person required to collect and pay the town a tax pursuant to provisions of this ordinance shall cease to operate, go out of business or otherwise dispose of his business, any tax then payable to the town shall

become immediately due and payable and such person shall immediately make a report and pay the tax due.

Penalty and interest for nonremittance.

If any person shall fail or refuse to remit to the town treasurer the tax required to be collected and paid under the provisions of this ordinance, within the time and in the amount as provided for in this ordinance, there shall be added to such tax by the town 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 tax and penalty from the date such taxes were due and payable.

Procedure upon failure to collect, report and remit.

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, the town treasurer shall proceed in such manner as he/she may deem best to obtain facts and information on which to base the tax due. As soon as the town treasurer 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 provided for in this ordinance, and shall notify such person, by registered mail sent to his last place of known address, of the amount of such tax and interest and penalty, and the total amount thereof shall be payable within ten (10) days after such notice. The town treasurer or his/her designated representative shall have the power to examine such records for the purpose of administering and enforcing the provisions of this ordinance as are provided by law.

Violations of ordinance.

Any person who shall violate any of the provisions of this ordinance shall be guilty of a Class 2 misdemeanor, punishable by confinement in jail for not more than six months and a fine of not more than \$1,000, either or both. Every violation and each day's continuance thereof shall constitute a separate offense.

Effective.

All provisions of this ordinance shall be in effect October 1, 2012.