

**ORDINANCE AMENDING
CHAPTER 18, ARTICLE VII, SECTION 18-204, OF THE TOWN CODE
IN REGARD TO PENALTY AND INTEREST FOR NON-REMITTANCE OF
TRANSIENT LODGING TAX AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Virginia Code § 58.1-3840, Virginia Code § 15.2-1104, and Section 3.14 of its Charter, the Town of Christiansburg, Virginia (the "Town") is empowered to impose an excise tax on transient lodging;

WHEREAS, the Town has previously adopted a tax on transient lodging, which is set out, as amended, in Chapter 18, Article VII of the Code of the Town of Christiansburg, Virginia (the "Town Code");

WHEREAS, Virginia Code § 58.1-3916 and Section 3.15 of its Charter authorize the Town to establish penalties and interest on delinquent taxes owed to the Town, and the Town previously established penalties and interest for meals taxes in Section 18-233 of the Town Code;

WHEREAS, the Council of the Town of Christiansburg, Virginia desires to amend the Town Code to impose penalty and interest charges for transient lodging consistent with the penalties and interest imposed for meals taxes;

NOW THEREFORE, BE IT HEREBY ORDAINED by the Council of the Town of Christiansburg that Chapter 18, Article VII, Section 18-204, of the Town Code is amended and reenacted as follows:

Sec. 18-204. - Penalty and interest for nonremittance.

- (a) If any person whose duty it is to do so shall fail or refuse to make the report required by this article within the time required, there shall be added to the tax by the treasurer a penalty in the amount of ten percent of the tax, or \$10.00, whichever is greater; provided, however, that the penalty shall, in no case, exceed the amount of the tax assessable.
- (b) In the case of delinquent remittance of taxes on lodging a penalty shall be imposed of ten percent for the first month the taxes are past due, and five percent for each month thereafter, up to a maximum of 25 percent of the taxes collected but not remitted; or \$10.00, whichever is greater, provided, however, that the penalty shall, in no case, exceed the amount of the tax assessable.
- (c) The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failing to make the report required by this article. Penalty for failure to file the report may be assessed on the day after such report is due; penalty for failure to pay any tax may be assessed on the day after the first installment is due. Any such penalty, when so assessed, shall become a part of the tax.
- (d) Interest shall also be imposed upon the delinquent tax and penalty at a rate of ten percent per annum and computed from the date such were due and payable.

(e) Any failure to timely file and pay the transient lodging tax when due shall constitute a Class 1 misdemeanor.

(f) Upon written request, the treasurer may reduce the rate of penalty and interest to zero percent for customers who (a) do not have any past due accounts or bills with the town, and (b) have gone 12 consecutive months with no delinquent payments to the town, provided such reduction shall continue for no more than one month.

This ordinance shall take effect on July 1, 2021. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.


Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held April 13, 2021, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop	X			
Johana Hicks	X			
Steve Huppert	X			
Merissa Sachs	X			
Henry D. Showalter	X			
Bradford J. Stipes	X			

*Votes only in the event of a tie vote by Council.

SEAL:


Tracy Hemline, Town Clerk


D. Michael Barber, Mayor