

ROCKBRIDGE COUNTY CODE

Chapter 25

TAXATION*

- Art. I. In General, §§25-1--25-20**
- Art. II. Personal Property Tax, §§25-21--25-35**
- Art. III. Real Property Tax, §§25-36--25-95**
 - Div. 1. Generally, §§25-36--25-50
 - Div. 2. Special Assessment for Agricultural, Horticultural, Forest or Open Space Real Estate, §§25-51--25-65
 - Div. 3. Assessment of New Buildings, §§25-66--25-75
 - Div. 4. Exemptions from Real Estate Taxes, §§25-76--25-86
 - Div. 5. Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty, §§25-87--25-95
- Art. IV. Motor Vehicle License Tax, §§25-96--25-120**
- Art. V. Sales Tax, §§25-121--25-130**
- Art. VI. Use Tax, §§25-131--25-140**
- Art. VII. Utility Tax, §§25-141--25-160**
- Art. VIII. Additional Tax on Telephone Services, §§25-161--25-175**
- Art. IX. Transient Occupancy Tax, §§25-176--25-190**
- Art. X. Tax on Certain Foods and Beverages, §§25-191--25-215**
- Art. XI. Bank Franchise Tax, §§25-216--25-225**
- Art. XII. Recordation Tax, §§25-226--25-230***
- Art. XIII. Short-Term Rental Registry, §§25-231--25-240**
- Art. XIV. Admissions Tax, §§25-241--25-250***
- Art. XV. Cigarette Tax, §§25-251--25-270**

ARTICLE I. IN GENERAL

Sec. 25-1. Correction of Erroneous Assessments; Interest.

A. In accordance with the provisions of the Code of Virginia §58.1-3981, the Board of Supervisors authorizes the Commissioner of the Revenue to certify to the Treasurer, without specific Board action, any erroneous assessment and correction thereof up to, but not including, the amount of twenty-five hundred dollars (\$2,500.00), so long as the Commissioner of the Revenue is satisfied that he/she has erroneously assessed such applicant with any taxes due the County. All erroneous assessments in the amount of twenty-five hundred dollars (\$2,500.00) and

* **Cross reference(s)**--Licenses and business regulations, Ch. 19.

State law reference(s)--Taxation, Code of Virginia, §58.1-1 et seq.; local taxes, §58.1-3000 et seq.; general authority of Board of Supervisors as to levies, §15.2-1202.

greater shall be submitted to the Board for approval, consistent with the Code of Virginia §58.1-3981.

B. In accordance with the Code of Virginia §58.1-3991, any taxes erroneously assessed by the Office of the Commissioner of the Revenue under the provisions of Article 5, Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended, shall be repaid with interest calculated at the same rate as that rate imposed by the County for delinquent taxes, with such rate to be set from time to time by the Board and kept on file with the Office of the Commissioner of the Revenue. Such interest shall run from the date such taxes were required to be paid or were paid, whichever is later. Taxpayers may apply for interest on erroneous assessments for no more than three (3) years back.
(Ord. of 1-1-96)

Secs. 25-2--25-20. Reserved.

ARTICLE II. PERSONAL PROPERTY TAX*

Sec. 25-21. Levied; rate; applicability.

A. Except as noted in Section 25-23 and Section 25-25(C) and (E), there shall be a personal property tax on the assessed value of all tangible personal property with a situs in Rockbridge County as of January first (1st) for each year at a rate or rates established annually in the County budget enacted by the Board of Supervisors.

B. The situs for personal property shall be as set forth in the Code of Virginia, as amended.
(Ord. of 8-14-89(2), §§1, 2)

Sec. 25-22. Exemptions.

The following classes of personal property shall be exempt from taxation:

- (1) Household goods and personal effects as defined in §58.1-3504 of the 1950 Code of Virginia, as amended. The items affected by this exemption are described as follows:
 - a. Bicycles;
 - b. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds;

* **State law reference(s)**--Tangible personal property taxes, Code of Virginia, §58.1-3500 et seq.

- c. Pianos, organs; phonographs, record players, and records to be used therewith, and all other musical instruments of whatever kind; radio and television instruments and equipment;
 - d. Oil paintings, pictures, statuary, curios, articles of virtu and works of art;
 - e. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry;
 - f. Sporting and photographic equipment;
 - g. Clothing and objects of apparel;
 - h. Antique motor vehicles, as defined in §46.2-100 of the Code of Virginia, which may not be used for general transportation purposes;
 - i. All other tangible personal property used by an individual, a family or household incident to maintaining an abode.
- (2) Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products, and farm machinery, implements and equipment as described and enumerated in Subsections 1 through 10 of §58.1-3505(A) of the Code of Virginia (1950, as amended).
- (3) Farm machinery and farm implements, other than the farm machinery and farm implements described in Subsection (2) above, which shall include equipment used for forest harvesting and silvicultural activities.

(Ord. of 8-14-89(2), §3; Sec. 22(2) Amended by Ord. of 5-23-05, effective as of 1-01-05; Sec. 22(3) Added by Ord. of 8-24-20, effective as of 7-01-20)

State law reference(s)--Authority for above exemptions, Code of Virginia, §§58.1-3504, 58.1-3505.

Sec. 25-23. Partial exemptions.

The following class of personal property shall be exempt to the extent the Board of Supervisors determines from time to time:

One motor vehicle that is regularly used by each volunteer rescue squad member or volunteer fire department member to respond to calls, as outlined in §58.1-3506 of the Code of Virginia as item 13, shall be exempt to the extent of a maximum deduction of two hundred dollars (\$200.00). In order to qualify for this exemption, by January thirty-first (31st) of each year (or thereafter upon the discretion of said Commissioner, with good cause shown), the aforesaid volunteer shall furnish the Commissioner of the Revenue with a certification by the chief or head of the volunteer organization, that said volunteer is a member of the volunteer rescue squad or fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purposes. In addition to the above, the chief or head of the volunteer organization shall deliver a certified list by January second (2nd) of each year to the Commissioner of the Revenue, which list shall contain the names of each volunteer for that organization who regularly responds to calls or regularly performs other duties for the rescue squad, together with one motor vehicle identification number per individual volunteer.

State law reference(s)--Authority for above Section, Code of Virginia, §58.1-3506.

Sec. 25-24. Returns.

A. Property tax returns for all tangible personal property, including, but not limited to, a motor vehicle, trailer, semi-trailer, or boat, manufactured homes, and machinery and tools, with a situs in the County as of January first (1st) of each year shall be filed with the Commissioner of the Revenue on or before March first (1st) of each calendar year. Tangible personal property tax returns for motor vehicles, trailers, semi-trailers, and boats that acquired a situs within the County or are transferred to a new owner in the County after January first (1st) shall be filed within thirty (30) days following the date of such transfer or acquisition of situs in the County. Residents of all towns within the County must file personal property tax returns with the Commissioner of the Revenue in accordance with this Section. The Commissioner of the Revenue shall prescribe forms for the reporting of tangible personal property subject to taxation under this Article.

B. Except as provided in Subparagraph (C) hereafter, any person failing to file such return on or before the due date shall incur a late filing penalty thereon of fifteen dollars (\$15.00), provided that such penalty shall not exceed the greater of ten percent (10%) of the tax assessable on such return or ten dollars (\$10.00); provided, however, that the late filing penalty shall in no case exceed the amount of the tax assessable. The late filing penalty shall be added to the amount of taxes or levies due from such taxpayer and, when collected by the Treasurer, shall be accounted for in the Treasurer's settlements. The assessment of a penalty under this Section shall not be deemed a defense to any criminal prosecution for failing to make the return of taxable property as required by law or this Section.

C. Any person (excluding a business) owning or leasing a motor vehicle, trailer, semi-trailer or boat, who has previously filed a personal property tax return with the Commissioner of the Revenue for such tangible personal property in accordance with Subparagraph (A) above, and for which personal property there has been no change in status or situs, shall not be required to file another personal property tax return on such personal property, until and if there is a change in status or in situs. In the event of a change in status or in situs, a new personal property tax return shall be filed with the Commissioner of the Revenue as provided in Subparagraph (A) above.

For purposes of this Section, the term "change in status" shall mean one (1) or more of the following:

- (1) A change occurs in the name or address of the person or persons, or entity, owning or leasing such tangible personal property.
- (2) A change occurs in the taxable situs of tangible personal property.

- (3) Any action which causes personal property to acquire situs in the County occurs, for which no personal property tax return has been filed by the owner.
- (4) Any change affecting the assessment or levy of the personal property tax occurs for which a tax return has been previously filed, or the use of a personal vehicle has changed to business use, thereby affecting application of the Personal Property Tax Relief Act.

D. The Commissioner of the Revenue may grant extensions of time, not to exceed ninety (90) days, for filing returns on tangible business personal property and machinery and tools, whenever good cause exists. Application for such extension of time must be made prior to the regular March first (1st) filing deadline. The Commissioner of the Revenue shall keep a record of every such extension. Failure to file returns within the extended time will cause the taxpayer to be treated the same as if no extension had been granted.

E. Penalty for failure to file a return shall not be imposed if such failure was not the fault of the taxpayer. The Commissioner of the Revenue shall make such determinations relating exclusively to failure to file a return.

F. If any taxpayer liable to file a return required by this Article neglects or refuses to file such return as herein prescribed, the Commissioner of the Revenue shall, from the best information he can obtain, enter the fair market value for such property and assess the same as if it had been reported to him, and shall impose applicable penalties for failure to file a return. (Ord. of 8-14-89(2), §5; Ord. of 11-28-94, §1; Sec. 24(A),(B) Amended by Ord. of 9-28-09, to be effective 1-01-10; Sec. 24(C),(D),(E),(F) Added by Ord. of 9-28-09, to be effective 1-01-10)

Sec. 25-24.1. Separate classification of tangible personal property for certain vehicles.

There is hereby established a separate classification of tangible personal property for the following vehicles:

- (1) Automobiles as described in subdivision A(3) of §58.1-3503;
- (2) Trucks of less than two tons as described in subdivision A(4) of §58.1-3503;
- (3) Trucks and other vehicles as described in subdivision A(5) of §58.1-3503;
- (4) Motor vehicles with specially designed equipment for use by the handicapped as described in subdivision A(9) of §58.1-3503; and
- (5) Motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles as described in subdivision A(10) of §58.1-3503.

(Sec. 24.1 Added by Ord. of 4-26-22, to be effective for tax years beginning on or after 1-01-22, but before 1-01-25)

State law reference(s)--Authority for above Section, Code of Virginia, §58.1-3506.

Sec. 25-25. When due and payable.

A. Payment of personal property taxes for the current year, including prorated taxes, shall be due on or before October fifth (5th) of the tax year.

B. There shall be a personal property tax at a rate established each year by the Board of Supervisors on motor vehicles, trailers and boats, and manufactured homes (as defined in the Code of Virginia §36-85.3 and which are used as a place of full-time residence by any person), (hereinafter referred to in this Section as “taxable property”) which have a situs within the County on January first (1st) of each year and which acquire a situs within the County on or after January second (2nd) of each year. When taxable property acquires a situs within the County on or after January second (2nd), the personal property tax for the year shall be assessed to the owner prorated on a monthly basis for the portion of the tax year during which the taxable property has a situs within the County, save for manufactured homes, which shall be prorated on a quarterly basis for the portion of the tax year during which the taxable property has a situs within the County. When taxable property with a situs in the County is transferred to a new owner within the County, the personal property tax shall be assessed to the new owner prorated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property, save for manufactured homes, which shall be prorated on a quarterly basis for the portion of the tax year during which the taxable property has a situs within the County. For purposes of monthly proration, a period of more than one-half (1/2) of a month shall be counted as a full month and a period of less than one-half (1/2) of a month shall not be counted; for quarterly proration for manufactured homes, any portion of a quarter shall be counted as a full quarter. For purposes of monthly proration, the first (1st) through the fifteenth (15th) day will be considered as the first half of the month, and the sixteenth (16th) to the end of the month will be considered the second half of the month.

C. When any taxable property loses its situs within the County after the tax day, (January 1st), or after the day which it acquired a situs or its title is transferred to a new owner, the tax payer shall from that time be relieved from personal property tax on such tangible property and receive a credit towards taxable property newly transferred to the tax payer, or a credit against personal property taxes outstanding against the tax payer, or a refund of personal property taxes already paid on a monthly prorated basis, upon application to the Commissioner of the Revenue, provided that application is made within three (3) years from the last date of the tax year during which the taxable property lost situs or had its title transferred. Relief from the assessment of any personal property tax based upon loss of situs or acquisition of situs shall be based upon the property being legally assessed by another jurisdiction or for another person and such tax on the assessed property being paid.

D. When any person, after January first (1st), or situs date, acquires any taxable property with a County situs, the tax shall be assessed on such taxable property for the portion of the tax year during which the new owner owns the taxable property and has its situs in the County. Such person must file a return for said property within thirty (30) days after it is

acquired, failing which, said person shall be assessed a penalty of ten percent (10%) of the tax due.

E. An exemption from this tax and any interest or penalties arising therefrom shall be granted for any tax share or portion thereof during which the property was legally assessed by another jurisdiction and that such tax on the assessed property was paid.
(Ord. of 8-14-89(2), §6; Ord. of 4-27-92, §§1, 2; Ord. of 11-28-94, §2; Sec. 25(A) Amended by Ord. of 10-22-01, to be effective 1-01-02)

State law reference(s)--Authority for above Section, Code of Virginia, §§58.1-3516, 58.1-3521, and 58.1-3916.

Sec. 25-26. Penalty and interest on delinquencies.

A. Any person who shall fail to pay any tangible personal property tax when the same is due, shall be assessed and shall pay, along with such tax, a penalty of ten percent (10%) of the amount of such unpaid tax.

B. In the event any tax on tangible personal property is not paid on or before the date the same is due, interest at the rate of ten percent (10%), commencing on the first (1st) day of the month after the due date, of the year for which such tax was assessed, and shall be assessed and collected on the principal of and penalties on such tax; provided, however, that the second and subsequent years of delinquency, such interest shall be at the rate established pursuant to Section 6621 of the U.S. Internal Revenue Code of 1954, as amended.
(Ord. of 8-14-89(2), §7)

State law reference(s)--Authority for above Section, Code of Virginia, §58.1-3916.

Sec. 25-27. Payment of administrative fees, attorney's fees, and collection agency's fees to cover the costs associated with the collection of delinquent taxes.

Any person liable for local taxes who fails to pay the taxes on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of delinquent taxes. Such fee shall be added to all penalties and interest and shall be equal to the maximum amounts allowed by §58.1-3958 of the Virginia Code, as amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. Collection agency's fees not to exceed twenty percent (20%) of the delinquent tax bill may be recovered from any such person whose taxes are thereafter collected by a private collection agent, or, if the delinquency is collected by action at law or suit in equity, reasonable attorney's fees not to exceed twenty percent (20%) may be recovered. For purposes of this Section, local taxes shall mean any tax which falls on a taxpayer as a result of action by the Rockbridge County Board of Supervisors.

The Rockbridge County Treasurer is authorized to enter into a contract with a collections agency consistent with this Ordinance and Virginia law.
(Sec. 27 Added by Ord. of 3-24-03)

Secs. 25-28--25-35. Reserved.

ARTICLE III. REAL PROPERTY TAX*

DIVISION 1. GENERALLY

Secs. 25-36--25-37. Reserved.

Sec. 25-38. Authority to sue for property taxes.

A. *County Treasurer.* At the direction of the Board of Supervisors, the Treasurer of Rockbridge County is authorized in the name of the County to institute suit against any person whose local taxes on real estate and/or personal property are past due.

B. *Commonwealth's Attorney for Rockbridge County.* The Commonwealth Attorney for the County is authorized to prosecute cases covered by paragraph (A) above, if and when necessary, pursuant to §§58.1-1806, 58.1-2022, 58.1-3953 and 58.1-3954 of the Code of Virginia.

Sec. 25-39. Semi-annual payments of real estate tax.

Effective for the tax year beginning January 1, 1991, and ending December 31, 1991, and continuing for each tax year thereafter, payment of taxes on real estate in the County shall be due and payable in equal installments on June fifth (5th) and December fifth (5th) of each year. A ten percent (10%) penalty shall be imposed on any installment not paid when due. Interest on the June fifth (5th) installment shall commence on January first (1st) of each year following the June fifth (5th) installment and interest on the December fifth (5th) installment shall commence on January first (1st) of each year following the December fifth (5th) installment. Interest shall be at the rate of ten percent (10%) per annum and shall be applied to the unpaid installment and penalty thereon.

(Ord. of 6-13-90(4))

Sec. 25-40. Six-year cycle reassessment.

The County shall conduct its general reassessments of real estate at six-year intervals. (Sec. 40 Added by Ord. of 6-22-09; Sec. 40 Amended by Ord. of 4-14-14)

Secs. 25-41--25-50. Reserved.

* **State law reference(s)**--Real property tax, Code of Virginia, §58.1-3200 et seq.

DIVISION 2. SPECIAL ASSESSMENT FOR AGRICULTURAL,
HORTICULTURAL, FOREST OR OPEN SPACE REAL ESTATE

Sec. 25-51. Provision for special assessment.

The County finds that the preservation of real estate devoted to agricultural, horticultural, forest and open spaces used within its boundaries is in the public interest and, having heretofore adopted a land use plan, hereby ordains that such real estate shall be taxed in accordance with the provisions of Title 58.1 of the Code of Virginia and of this Division.

Sec. 25-52. Application for special assessment.

A. The owner of any real estate meeting the criteria set forth in §§58.1-3230 and 58.1-3233 of the Code of Virginia may, at least sixty (60) days preceding the tax year for which such taxation is sought, apply to the Commissioner of the Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in §58.1-3236 of the Code of Virginia. (In any year in which a general reassessment is being made, such application may be submitted until thirty (30) days have elapsed after the notice of increase in assessment is mailed.) Such application shall be on forms provided by the State Department of Taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs, and drawings as may be required by the Commissioner of the Revenue. An individual who is the owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located. An application fee of ten dollars (\$10.00) shall accompany each application. An application shall be submitted whenever the use or acreage of such land previously approved changes; provided, however, that such property owner must revalidate annually with the Commissioner of the Revenue any applications previously approved.

B. A separate application shall be filed for each parcel on the land book.

Sec. 25-53. Qualification for special assessment.

Promptly upon receipt of any application, the Commissioner of the Revenue shall determine whether the subject property meets the criteria for taxation hereunder. If the Commissioner of the Revenue determines that the subject property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.

In determining whether the subject property meets the criteria for “agricultural use” or “horticultural use”, the Commissioner of the Revenue may request an opinion from the Commissioner of Agriculture and Commerce; in determining whether the subject property meets the criteria for “forest use”, he may request an opinion from the Director of the Department of Conservation and Economic Development; and in determining whether the subject property meets the criteria for “open space use”, he may request an opinion from the Director of the Commission of Outdoor Recreation. Upon the refusal of the Commissioner of Agriculture and

Commerce or the Director of Outdoor Recreation to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth by the respective director, the party aggrieved may seek relief from any court of record wherein the real estate in question is located. If the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this division.

Sec. 25-54. Entry on land books.

The use value and fair market value of any qualifying property shall be placed on the land book before delivery to the Treasurer and the tax for the next succeeding tax year shall be extended from the use value.

Sec. 25-55. Roll-back tax for changes to non-qualifying use.

There is hereby imposed a roll-back tax and interest hereon, in such amounts as may be determined under Virginia Code §58.1-3237, upon any property as to which the use changes to a non-qualifying use.

Sec. 25-56. Liability for roll-back tax.

A. The owner of any real estate liability for roll-back taxes, shall, within sixty (60) days following a change in use, report such change to the Commissioner of the Revenue or other assessing officer on such forms as may be prescribed. The Commissioner shall forthwith determine and assess the roll-back tax, which shall be paid to the Treasurer within thirty (30) days of assessment. On failure to report within sixty (60) days following such change in use and/or failure to pay within thirty (30) days of assessment, such owner shall be liable for an additional penalty equal to ten (10) per centum of the amount of the roll-back tax and interest, which penalty shall be collected as a part of the tax. In addition to such penalty, there is hereby imposed interest of one-half (1/2) per centum of the amount of the roll-back tax, interest and penalty, for each month or fraction thereof during which the failure continues.

B. Any person making a material misstatement of fact in any application filed pursuant hereto shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon, and he shall be further assessed with an additional penalty of one hundred (100) per centum of such unpaid taxes.

Secs. 25-57--25-65. Reserved.

DIVISION 3. ASSESSMENT OF NEW BUILDINGS

Sec. 25-66. Assessments for New Construction.

All new buildings substantially completed or fit for use and occupancy prior to November first (1st) of the year of completion shall be assessed when so completed or fit for use and

occupancy, and the Commissioner of the Revenue shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The total tax on any such new building for that year shall be the sum of: (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year; and (ii) the tax upon the assessment of such new building as it existed on January first (1st) of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year.

With respect to any assessment made under this Section after September first (1st) of any year, the penalty for nonpayment by December fifth (5th) shall be extended to February fifth (5th) of the succeeding year.

(Sec. 66 Amended by Ord. of 6-25-01)

Sec. 25-67. Abatement of levies on buildings razed, destroyed, or damaged by natural or accidental events.

Buildings which are razed, destroyed, or damaged due to a natural or accidental event and through no fault of the owner shall receive an abatement for tax levies computed according to the ration which the portion of the year the building was fit for use, occupancy, or enjoyment bears to the entire year. No such abatement shall occur unless:

- (1) The destruction or damage to such building decreases its value by five hundred dollars (\$500.00) or more;
- (2) The destruction or damage to such building renders it unfit for use and occupancy for thirty (30) or more days during the year;
- (3) The owner of such building makes application for the abatement within six (6) months of the date on which the building was razed, destroyed, or damaged; and
- (4) As the building is repaired, it shall be reassessed in accordance with the preceding Section, 25-66.

(Sec. 67 Added by Ord. of 11-24-03)

State law reference(s)--Code of Virginia, §58.1-3222.

Secs. 25-68--25-75. Reserved.

DIVISION 4. EXEMPTIONS FROM REAL ESTATE TAXES*

Sec. 25-76. Exemption authorized.

The Commissioner shall, upon application made and within the limits as hereinafter provided, order exemption of tax on real property (including manufactured homes as defined in Virginia Code §36-85.3) owned by and occupied as the sole dwelling house of a person or persons not less than sixty-five (65) years of age or a person or persons less than sixty-five (65) years of age determined to be permanently and totally disabled as defined in this Division, upon the terms and conditions hereinafter set out. A dwelling jointly held by a husband and wife may qualify for exemption if either spouse is over sixty-five (65) years of age or is permanently and totally disabled. Persons qualifying for exemptions are deemed to be bearing an extraordinary real estate and/or manufactured home tax burden in relation to their income and financial worth. (Ord. of 11-13-89, §2(a); Ord. of 7-8-96; Sec. 76 Amended by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

Sec. 25-76.1. Notice of real estate tax exemption program for the elderly and disabled.

The Treasurer shall enclose written notice, in each real estate tax bill, of the terms and conditions of the Rockbridge County real estate tax exemption program established in this Division. The Treasurer shall also employ any other reasonable means necessary to notify residents of the County about the terms and conditions of the real estate tax exemption program for the elderly and disabled residents of the County.

(Sec. 76.1 Added by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

Sec. 25-77. Administration of the exemption.

The exemption shall be administered by the Commissioner of the Revenue according to the general provisions contained in this Division. The Commissioner of the Revenue is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations in conformity with the general provisions of this Division, including the requirements of answers under oath, as may be reasonably necessary to determine qualifications for exemption or qualifications for exclusions as specified by this Division. The Commissioner may require the production of certified tax returns and appraisal reports to establish income or financial worth of any applicant.

(Ord. of 11-13-89, §2(b); Ord. of 7-8-96; Sec. 77 Amended by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

* **State law reference(s)**--Authority of County to grant exemption provided for in this Division, Code of Virginia, §58.1-3210.

Sec. 25-78. Requirements for exemption.

Exemption shall be granted to persons subject to the following provisions:

- (1) The title of the property for which exemption is claimed is held, or partially held, on January first (1st) of the taxable year, by the person or persons claiming exemption.
- (2) The applicant occupying the dwelling or manufactured home and owning title, or partial title, thereto is sixty-five (65) years of age or older on December thirty-first (31st) of the year immediately preceding the taxable year. Such dwelling or manufactured home must be occupied as the sole dwelling of the person or persons not less than sixty-five (65) years of age; or
- (3) The applicant occupying the dwelling or manufactured home and owning title, or partial title thereto, is permanently and totally disabled as hereinafter defined as of December thirty-first (31st) of the year immediately preceding the taxable year.
- (4) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling or manufactured home living therein, and of the owners' relatives living in the dwelling or manufactured home shall not exceed the greater of fifty thousand dollars (\$50,000.00), or the income limits based upon family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying for federal housing assistance pursuant to §235 of the National Housing Act (12 U.S.C. §1715z); provided that the first ten thousand dollars (\$10,000.00) of income of each relative, other than the spouse of the owner, or owners, who is living in the dwelling or manufactured home, and who does not qualify for the exemption provided for herein, shall not be included in such total, and provided further that the first ten thousand dollars (\$10,000.00) of any income received by an owner who is permanently disabled shall not be included in such income; and provided further that the first five thousand dollars (\$5,000.00) of any permanent or temporary disability benefit, from whatever source, received by an owner shall not be included in such income.
- (5) Notwithstanding Subsection (4) above, if any person qualifies for an exemption under this Division and can prove by clear and convincing evidence that his or her physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for that person, and if a relative does move in for that purpose, then none of the relative's income shall be counted towards the income limit.
- (6) The net combined financial worth, including the present value of all equitable interests, as of the thirty-first (31st) day of December of the immediately preceding

calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling or manufactured home and the furnishings therein, including furniture, household appliances and other items typically used in a home, and the land upon which it is situated, not exceeding two (2) acres, shall not exceed two hundred thousand dollars (\$200,000.00).

- (7) For purposes of this Division, income shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.

(Ord. of 11-13-89, §2(c); Ord. of 7-8-96; Sec. 78(2),(3),(4),(6) Amended by Ord. of 7-24-06, to be effective 1-01-07; Sec. 78(5),(7) Added by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Similar provisions and authority of County as to income, net worth, etc., Code of Virginia, §§58.1-3210--58.1-3212.

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

Sec. 25-79. Application of and eligibility for exemption.

The owner or owners claiming such exemption shall file initially with the Commissioner of the Revenue an affidavit setting forth an identification of: (i) the names of the related persons occupying such real estate or manufactured home; and, (ii) that the total combined net worth, including equitable interests and the combined income from all sources, of the persons specified in Section 25-78 hereof, does not exceed the limits prescribed herein. The affidavit shall also set forth the gross income of the qualifying applicant. After the initial filing, the person claiming such an exemption may file an affidavit on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit filed has changed to violate the limitations and conditions provided herein. All such filings shall be after January first (1st) but before April first (1st) of each taxable year; provided, however, that the Commissioner of the Revenue may, within his sole discretion, extend the filing deadline to June thirtieth (30th) for first time applicants or cases of hardship.

If any such applicant is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled as defined in Virginia Code §58.1-3217; however, a certification pursuant to 42 U.S.C. Section 423(d) by the Social Security Administration (so long as the person remains eligible for such social security benefits) shall be deemed to satisfy such definition in Virginia Code §58.1-3217. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the Civil Service Commission that is relevant to the standards for determining permanent and total disability as defined in Virginia Code §58.1-3217.

The fact that persons who are otherwise qualified for tax exemption under this Division are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(Ord. of 11-13-89, §§2(d), (e); Ord. of 7-8-96; Sec. 79 Amended by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

Sec. 25-80. Amount of exemption.

The Commissioner of the Revenue, after audit and investigation, and any other further inquiry of the persons seeking such exemption as he/she may deem reasonably necessary in determining the qualifications therefor, shall determine which persons are qualified for exemption and shall issue to the persons so qualified a certificate showing the amount of the exemption from the claimant’s real estate and/or manufactured home tax liability. A person qualifying for and claiming exemption under this Article shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land, not exceeding two (2) acres, or manufactured home tax liability, calculated in accordance with the following schedule:

If Gross Combined Income As Described in Section 25-78(4) Above Is:	Tax Exemption Is: (percent)
\$ 18,000 or less	80%
\$ 18,001 to \$28,000	60%
\$ 28,001 to \$38,000	40%
\$ 38,001 or greater	20%

(Ord. of 11-13-89, §2(f); Ord. of 7-8-96; Sec. 80 Amended by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

Sec. 25-81. Forfeiture of exemption.

Failure to pay the taxes due by December fifth (5th) of the year for which such exception is issued, after calculation of the exemption, shall constitute a forfeiture of the exemption for the current year and the taxable year immediately following. Additionally, changes with respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed pursuant to this Division and having the effect of exceeding or violating the limitations and conditions provided in this Article shall nullify any exemption for the remainder of the current taxable year and the taxable year immediately following, but the taxpayer will be entitled to the prorated exemption for the portion of the taxable year during which the taxpayer qualified for such exemption. Upon forfeiture of any exemption, the taxpayer shall file a new affidavit to qualify for an exemption for future tax years.

A change in ownership to a spouse, when such change resulted solely from the death of the qualifying individual or a sale of such property, shall result in a prorated exemption for the then current taxable year. The proceeds of the sale which would result in the prorated exemption shall not be included in the computation of net worth or income as provided above. Such prorated portion shall be determined by multiplying the amount of the exemption by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption is the numerator and the number twelve (12) is the denominator. (Ord. of 11-13-89, §2(g); Ord. of 7-8-96; Sec. 81 Amended by Ord. of 7-24-06, to be effective 1-01-07)

State law reference(s)--Code of Virginia, §58.1-3210, et. seq.

Sec. 25-82. Penalty for false claim.

Any person who shall falsely claim the exemption provided for in this Division shall pay to the Treasurer one hundred ten percent (110%) of such exemption. (Ord. of 11-13-89, §2(h); Ord. of 7-8-96)

Sec. 25-83. Additional penalty for false claim.

Any person falsely claiming an exemption under this Division shall be guilty of a Class 1 misdemeanor. (Ord. of 11-13-89, §2(i); Ord. of 7-8-96)

Sec. 25-84. A resolution for the relief of certain taxes in cases of disaster.

Any taxpayers in the County whose lands, improvements or personal property, or any portion thereof, shall be destroyed in any manner by common disaster, if declared such by the Governor of Virginia, may on application therefor be relieved from the taxes of the County upon such land, improvements thereon, or personal property as shall be so taken and which are uncompensated for by insurance or otherwise. Such relief shall be for that year in which such property is taken from and after the date upon which such disaster occurred.

Any such taxpayers who have not paid the taxes or levies on any such land, improvements thereon or personal property so taken shall also be relieved of interest and penalties therefor; provided, they shall make payment for their proportion, if any, of the taxes and levies for the year during which the land, improvements thereon or personal property was so taken, on or before July first (1st) of the year following.

Any taxpayer entitled to such relief may apply within one (1) year of such disaster to the Commissioner of the Revenue of the County, who shall determine the amount by which the assessment on such property should be reduced by reason of such loss. If such tax has not been paid, the assessing officer shall exonerate the applicant from the payment of so much of the tax as allocable to such loss. If such tax has been paid, the assessing officer shall certify the amount of such reduction to the Treasurer of the County, who shall issue a refund therefor. (Ord. of 7-8-96)

Sec. 25-85. Exemption from taxes on property for disabled veterans; application for exemption.

A. Pursuant to the Code of Virginia §58.1-3219.5, the County hereby exempts from taxation the dwelling and up to two (2) acres of land upon which the dwelling is situated, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent (100%) service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence.

B. The surviving spouse of a veteran eligible for the exemption set forth in this Section shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

C. The veteran or surviving spouse claiming the exemption under this Section shall file with the Commissioner of the Revenue, on forms to be supplied by the County, an affidavit or written statement: (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property; (ii) indicating whether the real property is jointly owned by a husband and wife; and, (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a one hundred percent (100%) service-connected, permanent, and total disability. The veteran shall be required to re-file the information required by this Section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

(Sec. 85 Added by Ord. of 9-26-11, effective as of 1-01-11)

Sec. 25-86. Environmental restoration sites.

A. Pursuant to the authority granted by §58.1-3664 of the Code of Virginia, environmental restoration sites are hereby determined to be a separate class of property which is exempt from real estate taxation for increased assessed valuation or for supplemental assessments of improvements from the date of qualification for this exemption and continuing for a period of five (5) years, as set forth in this Section.

B. An environmental restoration site means real estate which contains or did contain contamination from the release of hazardous substances, hazardous wastes, solid waste or petroleum, the restoration of which would abate or prevent pollution to the atmosphere or waters of the Commonwealth of Virginia and which: (i) is subject to voluntary remediation pursuant to §10.1-1232 of the Code of Virginia; and, (ii) receives a certificate of continued eligibility from the Virginia Waste Management Board during each year for which it qualifies for the applicable tax exemption.

C. An environmental restoration site shall be classified as such for a single five-year period. The classification shall be effective for the current calendar year and subsequent years only, no property shall be eligible for the classification for any year prior to 2012, and requests for classification for years prior to 2012 are both unauthorized and prohibited. No property shall be eligible for more than one (1) five-year classification period.

D. The initial application for exemption pursuant to this Section shall be filed by the property owner on forms approved by the Commissioner of the Revenue, and shall include documentary evidence that the subject real estate qualifies as an environmental restoration site. Upon the Commissioner of the Revenue's approval of the application, the exemption provided in this Section shall be granted and shall be effective for the entire calendar year, without proration.

E. In order to continue qualifying for the tax exemption in each subsequent year of the five-year tax exemption period beyond initial application, the property owner must renew the application for exemption on an annual basis no later than December first (1st) of each calendar year. The application for renewal shall contain a certificate of continued eligibility for voluntary remediation issued by the Virginia Waste Management Board, or its successor agency.

F. Real property qualifying for classification as an environmental restoration site shall be assessed for taxation at the value of land and improvements on the date of qualification for a period of five (5) years. During the five-year period, an increase in assessed value of the land and improvements shall be exempt. At the end of the five-year period, the exemption shall cease and the value of the land and improvements shall be assessed by the Commissioner of the Revenue at the fair market value of the property, whether by reassessment or by supplemental assessment.

G. If the owner of any property classified hereunder as an environmental restoration site fails to timely pay to the County of Rockbridge any other taxes which are legally owed to the County, he shall be deemed to have waived this claim to have the property classified under this Section. This waiver shall apply for the tax year in question and for all subsequent tax years for which the property otherwise qualified for an exemption. Once the classification of a property is deemed waived under this Section, the waiver shall attach to the property and shall be irrevocable, regardless of possible change of ownership of property.
(Sec. 86 Added by Ord. of 1-28-13, effective as of 1-01-13)

DIVISION 5. EXEMPTION FOR SURVIVING SPOUSES OF CERTAIN PERSONS KILLED IN THE LINE OF DUTY

Sec. 25-87. Title.

This Division shall be known as the "Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty".

The purpose of this Division is to provide an exemption from taxation for the qualifying real property of spouses of any law enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who are killed in the line of duty.

Sec. 25-88. Authority for division.

This Division is authorized by the Code of Virginia, Title 58.1, Chapter 32, Article 2.5, §§58.1-3219.13 through 58.1-3219.16.

Sec. 25-89. Definitions.

As used in this Division, unless the context requires otherwise:

“Covered person” means any person set forth in the definition of “deceased person” in §9.1-400 of the Code of Virginia whose beneficiary, as defined in §9.1-400 of the Code of Virginia, is entitled to receive benefits under §9.1-402 of the Code of Virginia, as determined by the Comptroller prior to July 1, 2017, or as determined by the Virginia Retirement System on and after July 1, 2017.

Sec. 25-90. Exemption from taxes on property of surviving spouses of certain persons killed in the line of duty.

A. Pursuant to Article X, Section 6-B of the Constitution of Virginia, for tax years beginning on or after January 1, 2017, the County exempts from taxation the real property described in Subsection (B) of the surviving spouse of any covered person who occupies the real property as his principal place of residence. If the covered person’s death occurred on or prior to January 1, 2017, and the surviving spouse has a principal residence on January 1, 2017, eligible for the exemption under this Section, then the exemption for the surviving spouse shall begin on January 1, 2017. If the covered person’s death occurs after January 1, 2017, and the surviving spouse has a principal residence eligible for the exemption under this Section on the date that such covered person dies, then the exemption for the surviving spouse shall begin on the date that such covered person dies. If the surviving spouse acquires the property after January 1, 2017, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to §58.1-3360 of the Code of Virginia. The County shall not be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse’s filing of the affidavit or written statement required by §58.1-3219.15 of the Code of Virginia.

B. Those dwellings in the County with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single-family residential shall qualify for a total exemption from real property taxes under this Division. If the value of a dwelling is in excess of the average assessed value as described in this Subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes.

Single-family homes, condominiums, town homes, manufactured homes as defined in §46.2-100 of the Code of Virginia whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that: (i) meet this requirement; and, (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt. For purposes of determining whether a dwelling, or a portion of its value, is exempt from County real property taxes, the average assessed value shall be such average for all dwellings located within the County that are situated on property zoned as single-family residential.

C. The surviving spouse shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. The County herein provides for the exemption from real property taxes of: (i) the qualifying dwelling, or that portion of the value of such dwelling and land that qualifies for the exemption pursuant to Subsection B; and, (ii) with the exception of land not owned by the surviving spouse, the land, not exceeding two contiguous acres, upon which it is situated. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to the property exempt pursuant to this Section, shall also be exempt from taxation so long as the principal use of the improvement is: (a) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of §58.1-3503 of the Code of Virginia and as listed in §58.1-3504 of the Code of Virginia; and, (b) for other than a business purpose.

E. For purposes of this exemption, real property of any surviving spouse of a covered person includes real property: (i) held by a surviving spouse as a tenant for life; (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation; or, (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. Such real property does not include any interest held under a leasehold or term of years.

F. (1) In the event that: (i) a surviving spouse is entitled to an exemption under this Section by virtue of holding the property in any of the three ways set forth in Subsection E; and, (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is one and the denominator of which equals the total number of people having an ownership interest that permits them to occupy the property.

- (2) In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this Section by virtue of holding the property in any of the three ways set forth in Subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is the percentage of ownership interest in the dwelling held by the surviving spouse and the denominator of which is 100.

Sec. 25-91. Application for exemption.

A. The surviving spouse claiming the exemption under this Division shall file with the Commissioner of the Revenue of the County on forms to be supplied by the County, an affidavit or written statement: (i) setting forth the surviving spouse's name; (ii) indicating any other joint owners of the real property; (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence; and, (iv) including evidence of the determination of the Comptroller or the Virginia Retirement System pursuant to Subsection A. The surviving spouse shall also provide documentation that he is the surviving spouse of a covered person and of the date that the covered person died. The surviving spouse shall be required to refile the information required by this Section only if the surviving spouse's principal place of residence changes.

B. The surviving spouse shall promptly notify the Commissioner of the Revenue of any remarriage.

Sec. 25-92. Absence from residence.

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this Division are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such real estate is not used by or leased to others for consideration.

(Div. 5 Added by Ord. of 6-26-17, to be effective 7-01-17)

Secs. 25-93--25-95. Reserved.

ARTICLE IV. MOTOR VEHICLE LICENSE TAX*

Sec. 25-96. Persons affected.

Every resident of the County who shall own or have in his custody or under his control a motor vehicle duly registered, or required to be registered, by the Department of Motor Vehicles of the Commonwealth of Virginia or any comparable licensing authority of any State or foreign Nation, normally garaged, stored, or parked in the County and operated on the public highways of the Commonwealth of Virginia, shall purchase a permanent County license decal for such motor vehicle. The permanent County decal shall also serve as evidence of a resident's entitlement to certain services in the County, as may be determined from time to time under this Code or County policies and procedures. The term "resident" as used herein shall be construed to embrace any person having a place of abode in the County irrespective of any intention on a part of such person to return to, or to establish residence outside of, the County at some future date, and the term "resident" shall also be construed to embrace any corporation, firm, or person having an office or place of business in the County.

(Ord. of 9-23-85, §1; Ord. of 6-28-93, §1; Sec. 96 Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Sec. 25-97. Decal License Tax.

A. A single license tax of twenty-five dollars (\$25.00) is hereby imposed on each and every motor vehicle, trailer, or semi-trailer for which a County decal is required. Upon payment, a permanent County decal will be issued for the vehicle and will remain in effect as long as such vehicle remains under the ownership, custody or control of that resident.

B. Upon obtaining any motor vehicle, trailer or semi-trailer for which a County decal is required, a resident shall, within thirty (30) days of obtaining the motor vehicle, trailer, or semi-trailer, purchase a new permanent County decal, to be issued upon payment of the single license tax of twenty-five dollars (\$25.00).

C. For purposes of this Article, "motor vehicle" shall include, but not be limited to, any passenger car, motorcycle, truck, bus, trailer, or semi-trailer.

(Ord. of 9-23-85, §2; Ord. of 6-28-93, §2; Sec. 97 Amended by Ord. of 6-28-04; Sec. 97 Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Sec. 25-98. Preconditions for issuance.

All applicants for a license decal under this Article for each motor vehicle, trailer, or semi-trailer shall present to the County Treasurer satisfactory evidence that all due and outstanding personal property taxes have been paid on all motor vehicles, trailers, or semi-

* **Cross reference(s)**--Motor vehicles and traffic, Ch. 20.

State law reference(s)--Authority for tax, Code of Virginia, §46.2-752.

trailers, or other items of personal property owned by the applicant and subject to assessment for personal property taxes by the Commissioner of the Revenue, before a license decal shall be issued for any one vehicle owned by the applicant. Evidence of the assessment as of the date of ownership shall be supplied by a certificate from the Commissioner of the Revenue. (Ord. of 9-23-85, §4; Ord. of 6-28-93, §4; Sec. 98 (formerly Sec. 99) Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Sec. 25-99. Issuing license decals.

A. A permanent County decal shall be purchased from the Treasurer for each motor vehicle, trailer, or semi-trailer. Any resident coming under the provisions of this Article shall complete such forms as may be prescribed by the Treasurer or the Commissioner of the Revenue of the County, and upon payment of the license tax, shall be issued the decal, which shall be displayed as hereafter provided.

B. In addition to constituting a violation of this Article, failure to display the decal shall preclude the use of such motor vehicle in obtaining County services, and use of County services without a decal will be treated for enforcement purposes as if the user is a non-resident.

C. The decal shall be conspicuously placed to the right of the inspection sticker on the windshield of the vehicle in such manner as to be plainly visible as prescribed for State automobile inspection decals. The top edge of the decal is to be approximately four (4) inches from the bottom of the windshield. The left side edge of the decal, adjacent to the official inspection sticker, shall not be more than one-fourth (1/4) inch from the right edge of the official inspection sticker when viewed from inside the vehicle. On all trailers and semi-trailers, the decal must be affixed to the trailer body or frame and shall be placed on the left side of the trailer near the front corner, adjacent to the right side of the official State inspection sticker when viewed from the inside of the trailer or semi-trailer. On all motorcycles and motor bikes, the decal is to be placed on the left side of the cycle where it will be most visible after mounting, adjacent to the right side of the State inspection sticker, or may be placed to the right of the State inspection sticker on a plate securely fastened on the left side of the motorcycle where it will be most visible, if adequate space is available without overlapping the State inspection sticker. A decal issued to a vehicle displaying an antique motor vehicle license issued in conformance with Virginia Code §46.2-730, if required, may be retained within the vehicle and available for inspection upon request, in lieu of being displayed on the windshield of the vehicle.

D. At such time as any resident sells, transfers, or otherwise relinquishes a motor vehicle, trailer, or semi-trailer, the County decal shall be removed and destroyed. No decal may be transferred to another owner or any other vehicle. A new decal shall be purchased for any new, used, replacement, or additional vehicle acquired or under the custody or control of the resident. (Ord. of 9-23-85, §7; Ord. of 6-28-93, §7; Sec. 102 Amended by Ord. of 4-23-18, to be effective on and from the date of adoption; provided, however, that any County decal placed in the center of the vehicle windshield may remain in such location after relocation of the official State inspection sticker, until the next County decal is obtained, but in any event, the County decal

shall be relocated adjacent to the official State inspection sticker as provided herein no later than April 15, 2019; Sec. 99 (formerly Sec. 102) Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

State law reference(s)--Authority for above Section, Code of Virginia, §46.2-752.

Sec. 25-100. Replacement decals.

In the event that a decal is lost or destroyed, any permanent replacement will be issued only upon payment of the license tax of twenty-five dollars (\$25.00). (Ord. of 9-23-85, §8; Ord. of 6-28-93, §8; Sec. 100 (formerly Sec. 103) Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Sec. 25-101. Exemption.

A. Nothing in this Article shall be construed to require a license tax of a person, firm or corporation exempted under the provisions of the laws of the State of Virginia, or the United States of America; nor is a license tax required of residents of any incorporated town or city that now issues separate license tags or decals.

B. Nothing in this Article shall be construed to require a license tax for any one motor vehicle owned and used personally by any veteran who holds a current State motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Division of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Virginia Code §46.2-739, or for individuals on active military duty.

Provided, however, that any person, corporation, or firm exempted from the payment of the license tax imposed herein shall nevertheless, apply for and prominently display the County decal required by this Article.

(Ord. of 9-23-85, §9; Ord. of 10-10-89; Ord. of 6-28-93, §9; Sec. 101 (formerly Sec. 104) Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Sec. 25-102. Records.

The County Treasurer may keep a record of each such license decal issued by the Treasurer, showing the number of such decal, and the person to whom it was issued.

(Ord. of 9-23-85, §10; Ord. of 6-28-93, §10; Sec. 102 (formerly Sec. 105) Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Sec. 25-103. Unlawful acts; penalty.

A. It shall be unlawful for any person, who is not a resident of the County of Rockbridge, to display a County decal on a motor vehicle or otherwise use a County decal for access to services in the County.

B. Any violation of this Article shall constitute a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the sum of two hundred fifty dollars (\$250.00); and trial of all violations of this Article shall be enforced by proceedings before the Rockbridge County General District or Juvenile and Domestic Relations District Court in the manner and with like right of appeal as provided in misdemeanor cases; and the Sheriff or his deputies and officers of the County are hereby authorized to issue summons in writing to violators of this Article for appearance before said court.

(Ord. of 9-23-85, §11; Ord. of 6-28-93, §11; Sec. 103 (formerly Sec. 106) Amended by Ord. of 12-13-21, to be effective on and from date of adoption)

Secs. 25-104--25-120. Reserved.

ARTICLE V. SALES TAX

Sec. 25-121. Imposition of tax.

Pursuant to §58.1-605 of the Code of Virginia, a local general retail sales tax at the rate of one percent (1%) to provide revenue for the general fund for the County of Rockbridge, is levied. Said tax shall be added to the rate of the State sales tax imposed by Chapter 6 of Title 58.1 (§58.1-600 et seq.) of the Code of Virginia. It shall be subject to all provisions of Chapter 6 of Title 58.1 of the Code of Virginia, all the amendments thereto, and the rules and regulations published with respect thereto.

Sec. 25-122. Administration and collection.

Pursuant to §58.1-605 of the Code of Virginia, the local general retail sales tax levied pursuant to this Article shall be administered and collected by the State Tax Commissioner of the Commonwealth of Virginia in the same manner, subject to the same penalties as provided for the State sales tax, with the adjustments required by Code of Virginia, §58.1-628.

Secs. 25-123--25-130. Reserved.

ARTICLE VI. USE TAX

Sec. 25-131. Imposition of tax.

Pursuant to §58.1-606 of the Code of Virginia (Chapter 191, Acts of Assembly, 1968), there is imposed in the County of Rockbridge a local County use tax at the rate of one (1) percent to provide revenue for the general fund of the County. The County use tax shall be added to the rate of the state use tax imposed by Chapter 6, Title 58.1 of the Code of Virginia, and shall be subject to all the provisions of that chapter, and all amendments thereof, and the rules and regulations published with respect thereto.

Secs. 25-132--25-140. Reserved.

ARTICLE VII. UTILITY TAX*

Sec. 25-141. Definitions.

The following words and phrases when used in this Article shall, for the purposes of this Article, have the following respective meanings, except where the context clearly indicates a different meaning.

Commercial or industrial user shall mean the owner or tenant of property used for commercial or industrial purposes, including the owner of master metered apartment buildings, who pays for utility service for said property.

CCF means the volume of gas at standard pressure and temperature in units of 100 cubic feet.

Kilowatt hours (kWh) delivered means 1000 watts of electricity delivered in a one-hour period by an electric provider to an actual consumer, except that in the case of eligible customer-generators (sometimes called co-generators) as defined in Virginia Code §56-594, it means kWh supplied from the electric grid to such customer-generators, minus the kWh generated and fed back to the electric grid by such customer-generators.

Person shall include individuals, firms, partnerships, associations, corporations and combinations of individuals of whatever form and character.

Pipeline distribution company means a person, other than a pipeline transmission company which transmits, by means of a pipeline, natural gas, manufactured gas or crude petroleum and the products or byproducts thereof to a purchaser for purposes of furnishing heat or light.

Purchaser shall include every person who purchases a utility service.

Residential user shall mean the owner or tenant of private residential property or tenant of an apartment who pays for utility service in or for said property.*

Seller shall include every person who sells or furnishes a utility service.
(Sec. 141(CCF), (kWh), (Pipeline) Added by Ord. of 11-27-00, to be effective 1-01-01; Sec. 141(Utility Service) Deleted by Ord. of 11-27-00, to be effective 1-01-01)
Cross-reference(s)--Definitions and rules of construction, §1-2.

* **Cross reference(s)**--Utilities, Ch. 28.

* For purposes of this Article, *residential user* is intended to include telephones located within churches or church offices used solely for church business (and not, for example, telephones located in accessory buildings not used exclusively for church business).

Sec. 25-142. Levy; tax rate; payment.

A. Telephone Service

- (1) Land Lines: There is hereby imposed and levied by the County upon each and every purchaser of local telephone service, a tax in the amount of twenty percent (20%) of the gross charges made by the seller against the purchaser with respect to each utility service, which tax in every case shall be collected by the seller from the purchaser and shall be paid by the purchaser unto the seller for the use of the County at the time the purchase price or such charge shall become due and payable under the agreement between the purchaser and seller. Provided, however, that in case any monthly bill submitted by any seller for residential telephone service shall exceed fifteen dollars (\$15.00) for a residential user, there shall be no tax computed on so much of said bill as shall exceed fifteen dollars (\$15.00); in case any monthly bill submitted by any seller for a commercial or industrial user of telephone service shall exceed fifty dollars (\$50.00), there shall be no tax computed on so much of said bill as shall exceed fifty dollars (\$50.00). In case bills are submitted by any seller for two (2) months' service, there shall be no tax computed on so much of said bill as shall exceed thirty dollars (\$30.00) for a residential user of telephone service or one hundred dollars (\$100.00) for a commercial or industrial user of telephone service.

(Sec. 142(A) Amended by Ord. of 11-27-00, to be effective 1-01-01; Sec. 142(A) Amended by Ord. of 6-28-04, to be effective in 130 days)

State law reference(s)--Authority for above tax, Code of Virginia, §§58.1-3812, 58.1-3814

- (2) Mobile Telephones: A tax shall be imposed on the consumers of mobile telephone services at a rate equal to ten percent (10%) of the monthly gross charges to a consumer of mobile local telecommunication; however, the tax shall not be applicable to any amount so charged in excess of thirty dollars (\$30.00) per month for each mobile service consumer.

(Sec. 142(A)(2) Added by Ord. of 6-28-04, to be effective in 130 days)

- (3) Gross Charges-Definition: "Gross charges" means, subject to the exclusions of this Section, the amount charged or paid for the taxable purchase of local telecommunication services. However, "gross charges" shall not include the following:

- a. Charges or amounts paid that vary based on the distance and/or elapsed transmission time of the communication that are separately stated on the consumer's bill or invoice.

- b. Charges or amounts paid for customer equipment, including such equipment that is leased or rented by the customer from any source, if such charges or amounts paid are separately identifiable from other amounts charged or paid for the provision of local telecommunication services on the service provider's books and records.
- c. Charges or amounts paid for administrative services, including, without limitation, service connection and reconnection, late payments, and roamer daily surcharges.
- d. Charges or amounts paid for special features that are not subject to taxation under §4251 of the Internal Revenue Code of 1986, as amended.
- e. Charges or amounts paid that are: (i) the tax imposed by §4251 of the Internal Revenue Code of 1986, as amended; or, (ii) any other tax or surcharge imposed by statute, Ordinance or regulatory authority.

(Sec. 142(A)(3) Added by Ord. of 6-28-04, to be effective in 130 days)

B. Gas Service

- (1) In accordance with Virginia Code §58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers" as such term is defined in Virginia Code §58.1-3814 (J), as follows:
 - a. Residential consumers: Such tax on residential consumers of natural gas shall be twenty percent (20%) of the minimum monthly charge imposed by the service plus \$0.1867 per each CCF delivered monthly to residential consumers, not to exceed three dollars (\$3.00) per month.
 - b. Non-residential consumers: Such tax on non-residential consumers shall be at the rates per month for each CCF delivered by a pipeline distribution company or a gas utility for the classes as set forth below:
 - (i) Commercial consumers: Such tax shall be twenty percent (20%) of the minimum monthly charge imposed by the service plus \$0.15566 per each CCF delivered monthly to commercial and industrial consumers, not to exceed ten dollars (\$10.00) per month.

- (2) Exemptions: The United States of America, the Commonwealth, and the political subdivisions of the Commonwealth shall be exempt from the tax imposed by this Subsection (B).
- (3) Billing, collection and remittance of tax: The service provider shall bill the natural gas consumer tax to all users who are subject to the tax and to whom it delivers natural gas and shall remit the same to the Commissioner of the Revenue for the County on forms provided by the Commissioner on a monthly basis. Such taxes shall be paid by the service provider to this jurisdiction in accordance with Virginia Code §58.1-3814(F) and (G), and Virginia Code §58.1-2901. If any consumer receives and pays for natural gas but refuses to pay the tax imposed by this Section, the service provider shall notify the Commissioner of the Revenue of this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this Section, the service provider must follow its normal collection procedures, and upon collection of the bill or any part thereof, must apportion the net amount collected between the charge for natural gas and the tax and remit the tax portion to this jurisdiction. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction. Such remittance shall be done before the last day of the calendar month following the month the tax was received by the service provider.
- (4) Computation of bills not on monthly basis: Bills shall be considered as monthly bills for the purposes of this Ordinance if submitted twelve (12) times per year of approximately one (1) month each. Accordingly, the tax for a bi-monthly bill (approximately 60 days) shall be determined as follows: (i) the CCF will be divided by two (2); (ii) a monthly tax will be calculated using the rates set forth above; (iii) the tax determined by (ii) shall be multiplied by two (2); and, (iv) the tax in (iii) may not exceed twice the monthly “maximum tax.”

(Sec. 142(B) Added by Ord. of 11-27-00, to be effective 1-01-01)

C. Electric Service

- (1) In accordance with Virginia Code §58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:
 - a. Residential consumers: Such tax on residential consumers of natural gas shall be twenty percent (20%) of the minimum monthly charge imposed by the service provider plus \$0.016696 per each

kWh delivered monthly to residential consumers, not to exceed three dollars (\$3.00) per month.

b. Non-residential consumers: Such tax on non-residential consumers shall be twenty percent (20%) of the minimum monthly charge imposed by the service provider plus \$0.014682 per each kWh delivered monthly to commercial and industrial consumers, not to exceed Ten Dollars (\$10.00) per month.

- (2) Exemptions: The United States of America, the Commonwealth, and the political subdivisions of the Commonwealth are exempt from the tax imposed by this Subsection (C).
- (3) Billing, collection and remittance of tax: The service provider shall bill the electricity consumer tax to all users who are subject to the tax and to whom it delivers electricity and shall remit the same to the Commissioner of the Revenue for the County on forms provided by the Commissioner on a monthly basis. Such taxes shall be paid by the service provider to this jurisdiction in accordance with Virginia Code §58.1-3814(F) and (G), and Virginia Code §58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by this Section, the service provider shall notify the Commissioner of the Revenue of this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this Section, the service provider must follow its normal collection procedures and upon collection of the bill or any part thereof must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction. Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction. Such remittance shall be done before the last day of the calendar month following the month the tax was received by the service provider.
- (4) Computation of bills not on monthly basis: Bills shall be considered as monthly bills for the purposes of this Ordinance if submitted twelve (12) times per year of approximately one (1) month each. Accordingly, the tax for a bi-monthly bill (approximately sixty (60) days) shall be determined as follows: (i) the kWh will be divided by two (2); (ii) a monthly tax will be calculated using the rates set forth above; (iii) the tax determined by (ii) shall be multiplied by two (2); and, (iv) the tax in (iii) may not exceed twice the monthly “maximum tax.”

(Sec. 142(C) Added by Ord. of 11-27-00, to be effective 1-01-01)

Sec. 25-143. Collection.

It shall be the duty of every seller in acting as the tax collecting medium or agency for the County to collect from the purchaser for the use of the County the tax hereby imposed and levied at the time of collecting the purchase price charged therefor and the taxes collected during each calendar month shall be reported by each seller to the County and each seller shall remit the amount of tax shown by said report to the County on or before the last day of the first calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The required reports shall be in the form prescribed by the County. The tax levied or imposed under this Article with respect to the purchase of any gas or electric service shall become effective on bills rendered on meter readings taken on or after August 1, 1981 and with respect to local telephone service on charges first appearing on bills rendered on July 1, 1981.

Sec. 25-144. Records to be kept by seller.

Each and every seller shall keep complete records showing all purchases in the County, which records shall show the price charged against purchaser with respect to each purchase, the date thereof, the date of payment thereof, and the amount of tax imposed hereunder, and such record shall be kept open for inspection by the duly authorized agents of the County at reasonable times, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

Sec. 25-145. Compensation of seller.

Where the tax here levied is collected by the seller in acting as the tax collecting medium or agency for the County and remitted by the seller to the County, such seller shall be allowed, as compensation for the collection and remission of taxes, two percent (2%) of the amount of the tax collected in the form of a deduction in making payment.

Sec. 25-146. Exemptions.

The United States of America, the Commonwealth of Virginia, and the political subdivisions, boards, commissions and authorities thereof, are hereby exempted from the payment of the tax imposed and levied by this Article with respect to the purchase of utility services used by such governmental agencies.

Sec. 25-147. Applicability to telephone service.

The tax hereby imposed and levied on purchasers with respect to local exchange telephone service shall apply to all charges made for local exchange telephone service, except local messages that are paid for by inserting coins in coin-operated telephones.

Sec. 25-148. Penalty for violation of article.

Any purchaser failing, refusing, neglecting to pay the tax hereby imposed or levied and any seller violating the provisions hereof, and any officer, agent or employee, or any seller violating the provisions hereof, shall upon conviction, be subject to a fine of not more than one hundred dollars (\$100.00). Each failure, refusal, neglect or violation and each day's continuance thereof, shall constitute a separate offense.

Secs. 25-149--25-160. Reserved.

ARTICLE VIII. ADDITIONAL TAX ON TELEPHONE SERVICES*

Sec. 25-161. Imposed; rate.

A special tax shall be imposed upon the consumers of telephone services in Rockbridge County. The tax described in this Article shall be at a rate of three dollars (\$3.00) per month on each telephone line in service.

(Ord. of 6-13-88(1), §1); Sec. 161 Amended by Ord. of 04-22-02, to be effective 7-01-02).

State law reference(s)--Virginia Code §58.1-3812, 3813.1 (effective July 1, 2000).

Sec. 25-162. Applicability; exemption.

No tax imposed by this Article shall be levied on any local, state or federal government agency. Nor shall any tax be imposed on any telephone line servicing any facility owned by a bona fide church or religious organization, which is used for the sole and exclusive use of a religious nature. Any facility that is used for any commercial or residential purpose shall not be entitled to the exemption set forth in this Article.

(Ord. of 6-13-88(1), § 2)

Sec. 25-163. Disposition of funds.

All funds received as a result of the imposition of this tax shall be utilized solely for the initial capital, installation and maintenance costs of the emergency telephone system. The tax levied by this Article shall be reduced at such time as the capital and installation costs have been fully recovered. At such time, the tax described herein shall be reduced to a level necessary to offset recurring maintenance costs of the system. As of July 1, 2000, amounts collected from the tax shall be used solely to pay for reasonable, direct recurring and nonrecurring capital costs, and operating expenses incurred by a public safety answering point in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware and software required to receive and process emergency telephone calls through an E-911 system, including salaries and fringe benefits of dispatchers and direct call-takers of an E-911 system and costs incurred in training dispatchers and direct call-takers in receiving and dispatching emergency telephone calls, and the salary and fringe benefits of the

* **State law reference(s)**--Authority for tax, Code of Virginia, §58.1-3812, 3813.1.

public safety answering point director or coordinator so long as such person has no other duties, other than the responsibility for the public safety answering point.

(Ord. of 6-13-88(1), §3)

State law reference(s)--Virginia Code §58.1-3812, 3813.1 (effective July 1, 2000).

Sec. 25-164. Compensation for collecting utility.

Any telephone utility collecting and submitting the tax described herein shall receive compensation for accounting for and remitting said tax at the rate of three percent (3%) of the tax due and accounted for in the form of a deduction in submitting the return.

(Ord. of 6-13-88(1), §4)

Secs. 25-165--25-175. Reserved.

ARTICLE IX. TRANSIENT OCCUPANCY TAX

Sec. 25-176. Definitions.

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

Commissioner: The Commissioner of the Revenue of the County and any duly authorized deputies or agents.

Hotel: Any public or private hotel, inn, apartment hotel, hostelry, tourist home, house or cabin, motel, inn, rooming or boarding house or other lodging place within the County offering lodging for compensation to any transient.

Lodging: Space or room furnished any transient.

Person: Any individual, firm, partnership, society, association, company, corporation, or person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination or group of individuals of whatever form and character.

Lodging rental: The total charge made by any hotel or travel campground for lodging furnished to any transient, including the cost of all services when furnished with such space or room for a unit price.

Operator: The person who is the proprietor of the hotel or travel campground, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Section and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Section by either the principal or the managing agent shall, however, be considered to be compliance by both.

Transient: 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 as defined herein.

Travel campground: Any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling purposes during travel, recreational or vacation uses.

Treasurer: The Treasurer of the County and any duly authorized deputies, assistants, employees or agents.
(New Sec. 176 Added by Ord. of 6-23-14 (former Sec. 176 Amended and Relocated to Sec. 177), to be effective 08-01-14)

Sec. 25-177. Levy and amount.

There is hereby levied and imposed by the County, in addition to all other taxes and fees of every kind now imposed by law, on each transient, a transient occupancy tax of ten percent (10%) of the total amount paid for lodging rental by or for any transient to any hotel or travel campground, the revenues from which are allocated as follows:

- (1) Five percent (5%), pursuant to Code of Virginia, §58.1-3819, to the general fund of the County.
- (2) Three percent (3%), pursuant to Code of Virginia, §58.1-3819, which shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the County.
- (3) Two percent (2%), pursuant to Code of Virginia §58.1-3825, which shall be appropriated to the Virginia Horse Center Foundation to be used by the Foundation for the sole purpose of making principal and interest payments on a promissory note or notes signed or executed by the Virginia Horse Center Foundation or the Virginia Equine Center Foundation prior to January 1, 2004, with the Rockbridge Industrial Development Authority as the obligee or payee, as part of an agreement for the Authority to issue bonds on behalf of or for improvements at the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center. For purposes of this Subsection, such note or notes signed or executed prior to January 1, 2004, shall include any notes or other indebtedness incurred to refinance such note or notes, regardless of the date of refinancing, provided that such refinancing shall not include any debt or the payment of any debt for any activity relating to the Virginia Horse Center Foundation, Virginia Equine Center Foundation, or Virginia Equine Center that occurs on or after January 1, 2004. The tax imposed under this Subsection shall not be imposed after final payment of the note or notes described herein.

(Sec. 177 (formerly Sec. 176) Amended by Ord. of 6-28-04, to be effective 8-16-04; Sec. 177 (formerly Sec. 176) Amended by Ord. of 6-23-14, to be effective 8-01-14; Sec. 177, 177 (1) Amended by Ord. of 6-22-20, to be effective 8-01-20)

State law reference(s)--Authority for above tax, Code of Virginia, §58.1-3819.

Sec. 25-178. Collection.

All taxes imposed pursuant to this Article shall be collected by the operator of the hotel or travel campground from the transient or the person paying the lodging rental, at the time that payment of the lodging rental is made. All transient occupancy taxes collected pursuant to this Article shall be held in trust by the operator until reported and remitted to the County on or before the last day of the next calendar month.

(Ord. of 5-27-85, §2)

No operator of a hotel or travel campground shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

(Sec. 178 (formerly Sec. 177) Amended by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-179. Records.

Each and every operator of a hotel or travel campground shall keep complete records showing all occupancies for hire at their business, which records shall show the price charged for the occupancy of a room or space, the date thereof, the date of the payment thereof, and the amount of tax imposed hereunder. All such records shall be kept open for inspection by the duly authorized agents of the County at reasonable times, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

(Ord. of 5-27-85, §3; Sec. 179 (formerly Sec. 178) Amended by Ord. of 6-23-14 (former Sec. 179 Amended and Relocated to Sec. 186), to be effective 8-01-14)

Sec. 25-180. Return and remittance of tax.

Each operator collecting the tax levied under this Article shall make a return, upon such forms and setting forth such information as the Commissioner may prescribe and require. Such return shall show the amount of lodging rental charges collected, the date thereof, and the tax required to be collected and remitted. The operator shall sign and deliver the same to the Commissioner, with a remittance of such tax, on or before the last calendar day of the next calendar month. Such returns and remittances shall be made monthly, and shall cover the amount of tax collected during the immediately preceding month. If the remittance is made by check or money order, the same shall be payable to the Treasurer of the County. All remittances received hereunder by the Commissioner shall be promptly delivered to the Treasurer.

(New Sec. 180 Added by Ord. of 6-23-14 (former Sec. 180 Amended and Relocated to Sec. 187), to be effective 8-01-14)

Sec. 25-181. Interest and penalties upon failure or refusal to remit tax.

If any person shall fail or refuse to remit to the Commissioner of the Revenue 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 Commissioner of the Revenue a penalty of ten percent (10%) of the tax due for the first month the taxes are past due, and five percent (5%) for each month thereafter, up to a maximum of twenty-five percent (25%) of the taxes collected but not remitted, or the taxes that should have been collected, or ten dollars (\$10.00), whichever is greater. The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failure or refusal to file a return as required under this Article.

If the tax shall remain delinquent and unpaid for a period of one (1) month from the date the same is due and payable, interest shall be charged on the unpaid balance at the rate of ten percent (10%) per year. Such interest shall accrue from the date on which the tax was due and payable.

(Sec. 181 Added by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-182. When the Commissioner of the Revenue to determine the amount of the tax due.

If any person required to collect and remit the tax imposed by this Article fails to file a return and remittance, or if the Commissioner of the Revenue has reasonable cause to believe that an erroneous statement or return has been filed, the Commissioner of the Revenue may proceed to determine the amount due to the County. The Commissioner of the Revenue shall provide notice and opportunity to be heard to any person who may become liable for the amount owing prior to any determination by the Commissioner of the Revenue.

(Sec. 182 Added by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-183. Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and pay to the County a tax under this Article shall quit or otherwise dispose of his business, any tax payable under the provisions of this Article to the County shall become immediately due and payable, and such person shall immediately make a return and pay the tax due.

(Sec. 183 Added by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-184. Powers and duties of the Commissioner of the Revenue generally; rules and regulations.

The Commissioner of the Revenue shall ascertain the name of every person operating a hotel or travel campground in the County liable for the collection of the tax levied by this Article. The Commissioner of the Revenue shall have the power to adopt rules and regulations not inconsistent with the provisions of this Article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and

regulations shall be on file and available for public examination in the Commissioner of the Revenue's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section shall be a violation of this Article.
(Sec. 184 Added by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-185. Penalty for violation of this article.

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article shall be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is one thousand dollars (\$1,000.00) or less, then such failure or refusal to file shall be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than one thousand dollars (\$1,000.00), then such failure or refusal to file shall be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty shall be based on the amount due to the County as determined by the Commissioner of the Revenue pursuant to Section 25-182. Each such failure or refusal shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of such tax, plus penalties and interest, as provided in this Article.

(Sec. 185 Added by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-186. Commission for collection.

Where the tax here levied is collected by the operator of a hotel or travel campground, as the tax collecting medium or agency for the County and remitted to the County, such operator shall be allowed as a commission for the collection and remission of taxes, three percent (3%) of the amount of the tax collected and remitted. Said commission shall be in the form of a deduction from the amounts remitted. No commission shall be allowed on delinquent payments. Payments shall be considered delinquent if payment shall not be paid to the proper authority within five (5) days of the day said payments should have been made.

(Ord. of 5-27-85, §4; Sec. 186 (formerly Sec. 179) Amended by Ord. of 6-23-14, to be effective 8-01-14)

Sec. 25-187. Exemptions.

The tax imposed by this Article shall not apply to:

- (1) Rooms or spaces rented for continuous occupancy by the same individual or group for thirty (30) or more days in a hotel or travel campground.
- (2) Lodging rental paid to any hospital, medical clinic, nursing home, convalescent home or home for the elderly or disabled.

(Ord. of 5-27-85, §5; Sec. 187 (formerly Sec. 180) Amended by Ord. of 6-23-14, to be effective 8-01-14)

State law reference(s)--Similar provisions, Code of Virginia, §58.1-3819.

Secs. 25-188--25-190. Reserved.

ARTICLE X. TAX ON CERTAIN FOODS AND BEVERAGES*

Sec. 25-191. Definitions.

The following words and phrases, when used in this Article, shall have, for the purposes of this Article, the following respective meanings except where the context clearly indicates a different meaning:

Caterer means a person who furnishes food on the premises of another, for compensation.

Food means any and all edible refreshments or nourishment, liquid or otherwise, and as permitted by Virginia Code §58.1-3833, purchased in a restaurant or from a caterer. “Food” includes alcohol, hot food for immediate consumption, salads, and sandwiches. “Food” does not include alcoholic beverages sold in factory sealed containers and purchased for off-premise consumption.

Person means any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit.

Premises means the place of delivery of the food to the consumer by the seller.

Purchaser means any person who purchases food in or from a restaurant or from a caterer.

Restaurant means any place in or from which food is sold in the County including, but not limited to, any restaurant, dining room, grill, coffee shop, cafeteria, cafe, snack bar, lunch counter, delicatessen, confectionery, bakery, eating house, eatery, drugstore, lunch wagon or truck, pushcart or other mobile facility from which food is sold, public club, resort, bar, or lounge.

The word “restaurant” shall not mean:

- (1) Boardinghouses that do not accommodate transients;
- (2) Cafeterias operated by industrial plants for employees only;
- (3) Churches, fraternal, school and social organizations, and volunteer fire departments and rescue squads which hold occasional dinners, bazaars, and other

* **Cross reference(s)**--Restaurants and caterers holding mixed beverage license, §3-41 et seq.

fund raisers of one or two days' duration, at which food prepared in the homes of members or in the kitchen of the church, school or organization is offered for sale to the public;

- (4) Grocery stores, except those portions designed as delicatessens for the sale of meals and drinks;
- (5) Churches which serve meals for their members as a regular part of their religious observances.

Seller means any person who sells food in or from a restaurant or as a caterer.

Treasurer means the Treasurer of the County and any of his duly authorized deputies, assistants, employees or agents.

(Ord. of 6-13-88(2), §1; Sec. 191(Food),(Premises),(Restaurant(4),(5)) Amended by Ord. of 8-28-00; Sec. 191(Restaurant(1),(2),(3)) Added by Ord. of 8-28-00)

Cross reference(s)--Definitions and rules of construction, §1-2.

Sec. 25-192. Levy of tax; amount.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of all food served, sold or delivered in the County in or from a restaurant, whether prepared in such restaurant or not, and whether consumed on the premises or not.

The rate of this tax shall be six percent (6%) of the amount paid for such food. In the computation of this tax, any fraction of one-half (1/2) cent or more shall be treated as one (1) cent.

(Ord. of 6-13-88(2), §2; Sec. 192 Amended by Ord. of 8-28-00; Amended by Ord. of 5-26-20, to be effective 7-01-20)

Sec. 25-193. Payment and collection of tax.

Every seller of food with respect to which a tax is levied under this Article shall collect the amount of tax imposed under this Article from the purchaser on whom the same is levied at the time payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall pay the taxes collected to the County as provided in this Article. Taxes collected by the seller shall be held in trust by the seller until remitted to the County.

(Ord. of 6-13-88(2), §3)

Sec. 25-194. Reports and remittances generally.

Every seller of food with respect to which a tax is levied under this Article shall make out a report, upon such forms and setting forth such information as the Commissioner of the Revenue may prescribe and require, showing the amount of food charges collected and the tax required to be collected, and shall sign and deliver such report to the County Treasurer with a remittance of such tax. Such reports and remittance shall be made on or before the twentieth (20th) day of each month, covering the amount of tax collected during the preceding month.
(Ord. of 6-13-88(2), §4)

Sec. 25-195. Preservation of records.

It shall be the duty of any seller of food liable for collection and remittance of the taxes imposed by this Article to keep and preserve for a period of three (3) years records showing gross sales of all food and beverages, the amount charged the purchaser of each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this Article. The Commissioner of the Revenue shall have the power to examine such records at reasonable times and without unreasonable interference with the business of the seller, for the purpose of administering and enforcing the provisions of this Article and to make copies of all or any parts thereof.
(Ord. of 6-13-88(2), §5)

Sec. 25-196. Advertising payment or absorption of tax prohibited.

No seller shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of the tax imposed under this Article will be paid or absorbed by the seller or by anyone else, or that the seller or anyone else will relieve the purchaser of the payment of all or any part of the tax.
(Ord. of 6-13-88(2), §6)

Sec. 25-197. Tips and service charges.

Where a purchaser provides a tip for an employee of a seller, and the amount of the tip is wholly in the discretion of the purchaser, the tip is not subject to the tax imposed by this Article, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided, in the latter case, the full amount of the tip is turned over to the employee by the seller.

An amount or percent, whether designated as a tip or a service charge, that is added to the price of the meal by the seller, and required to be paid by the purchaser, is a part of the selling price of the meal and is subject to the tax imposed by this Article.
(Ord. of 6-13-88(2), §7)

Sec. 25-198. Duty of seller when going out of business.

Whenever any seller required to collect and pay to the County 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. of 6-13-88(2), §8)

Sec. 25-199. Discount.

For the purpose of compensating sellers for the collection of the tax imposed by this Article, every seller shall be allowed three percent (3%) of the amount of the tax due and accounted for in the form of a deduction on his monthly return, provided the amount due is not delinquent at the time of payment.

(Ord. of 6-13-88(2), §9)

Sec. 25-200. Enforcement; duty of Commissioner of the Revenue.

The Commissioner of the Revenue shall promulgate rules and regulations for the interpretation, administration and enforcement of this Article. It shall also be the duty of the Commissioner of the Revenue to ascertain the name of every seller liable for the collection of the tax imposed by this Article who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this Article. The Commissioner of the Revenue may have issued a summons for such person and may serve a copy of such summons upon such person in the manner provided by law. One return of the original summons shall be made to the General District Court for the County. Police powers are hereby conferred upon the Commissioner of the Revenue and his duly authorized deputies, assistants, employees and agents while engaged in their duties pursuant to this Article, and they shall exercise all the powers and authorities of police officers in performing such duties.

(Ord. of 6-13-88(2), §10)

Sec. 25-201. Procedure upon failure to collect, report, etc.

If any seller, whose duty it is to do so, 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 mentioned in this Article, the Commissioner of the Revenue shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Commissioner of the Revenue shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any seller 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 seller the tax and penalties provided for by this Article and shall notify such seller, by registered mail sent to his last known place of address, of the total amount of such tax and penalties and the total amount thereof shall be payable within ten (10) days from the date such notice is sent.

(Ord. of 6-13-88(2), §11)

Sec. 25-202. Duty of County Treasurer.

The Treasurer shall have the power and the duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the County. (Ord. of 6-13-88(2), §12)

Sec. 25-203. Penalty for late remittance or false return.

A. If any seller whose duty it is to do so shall fail or refuse to file any report required by this Article or to remit to the County Treasurer 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 County Treasurer a penalty in the amount of ten percent (10%) if the failure is not more than thirty (30) days, with an additional five percent (5%) of the total amount of tax owed along with all penalties for late payment previously levied for each additional thirty (30) days or fraction thereof during which the failure continues, not to exceed twenty-five percent (25%) in the aggregate, with a minimum penalty of ten dollars (\$10.00); provided, however, that the penalty shall in no case exceed the amount of the tax assessable. Any such penalty when so assessed shall become a part of the tax.

B. In the case of a false or fraudulent return with intent to defraud the County of any tax due under this Article, a penalty of fifty percent (50%) of the tax shall be assessed against the person required to collect such tax. (Ord. of 6-13-88(2), §13; Sec. 203(A) Amended by Ord. of 12-135-21, to be effective on and from the date of adoption)

Sec. 25-204. Violations of article.

Any person violating, failing, refusing or neglecting to comply with any provision of this Article shall be guilty of a Class 3 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this Article. An agreement by any person to pay the taxes provided for in this Article by a series of installment payments shall not relieve any person of criminal liability for violation of this Article until the full amount of taxes agreed to be paid by such person is received by the Treasurer. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense. (Ord. of 6-13-88(2), §14)

Sec. 25-205. Exemptions.

The following purchases of food shall not be subject to the tax under this Article:

- (1) Food for use or consumption by the Commonwealth, any political subdivision of the Commonwealth or the United States.

- (2) Food sold by a bona fide church or religious organization, so long as all profit derived from such sale is to be used solely for religious, charitable or benevolent purposes.
- (3) Any other sale of food which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, or administrative rules and regulations issued pursuant thereto.

(Ord. of 6-13-88(2), §15)

Secs. 25-206--25-215. Reserved.

ARTICLE XI. BANK FRANCHISE TAX*

Sec. 25-216. Definitions.

For the purposes of this Article, the following words shall have the meanings ascribed to them by this Section:

Bank shall be defined as in §58.1-1201 of the Code of Virginia.

Net capital shall mean a bank's net capital computed pursuant to §58.1-1205 of the Code of Virginia.

Cross reference(s)--Definitions and rules of construction, §1-2.

Sec. 25-217. Filing of return.

A. On or after the first (1st) day of January of each year, but not later than March first (1st) of any such year, all banks whose principal offices are located within this County but outside any incorporated town herein shall prepare and file with the Commissioner of the Revenue (or comparable local assessing officer) a return as provided by §58.1-1207 of the Code of Virginia in duplicate, which shall set forth the tax on net capital computed pursuant to Title 58.1 of the Code of Virginia. The Commissioner of the Revenue (or comparable assessing officer) shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the State Department of Taxation.

B. In the event that the principal office of a bank is located outside the boundaries of this County or within any town located herein, and such bank has branch offices located within this County, in addition to the filing requirements set forth in paragraph (A) hereof, any bank conducting such branch business shall file with the Commissioner of the Revenue or appropriate assessing officer of this County, a copy of the real estate deduction schedule, apportionment and other items which are required by §§58.1-1207, 58.1-1211 and 58.1-1212 of the Code of Virginia.

* **State law reference(s)**--Authority for tax, Code of Virginia, §58.1-1210.

C. Each bank, on or before the first (1st) day of June of each year, shall pay into the Treasurer's Office (or other appropriate official) of this County all taxes imposed pursuant to this Article.

Sec. 25-218. Penalty.

Any bank that shall fail or neglect to comply with any provision of this Article shall be fined up to five percent (5%) of the tax due, which fines shall be recovered upon motion, after five (5) days' notice in the Circuit Court of this County. The motion shall be in the name of the Commonwealth and shall be presented by the Attorney for the Commonwealth of this locality.

State law reference(s)--Similar provisions, Code of Virginia, §58.1-1216.

Secs. 25-219--25-225. Reserved.

ARTICLE XII. RECORDATION TAX

Sec. 25-226. Levy; amount of tax.

The Clerk of the Circuit Court of the County shall collect and pay into the treasury of the County a County recordation tax in an amount equal to one-third (1/3) of the amount of the state recordation tax collectible for the State on the first recordation of each taxable instrument; provided, no tax shall be imposed upon any instrument in which the state recordation tax is fifty cents (\$0.50) specifically; and provided further, that where a deed or other instrument conveys, covers or relates to property located partly in the County and partly in another county or city, or in other counties or cities, the tax imposed shall be computed only with respect to the property located in the County.

Sec. 25-227. Compensation of Clerk.

For his services in collecting the tax imposed by this Article, the Clerk shall be compensated out of the treasury of Rockbridge County in the amount of five percent (5%) upon each instrument taxable under this Article recorded in his office. Such compensation shall be paid out of the County treasury.

Sec. 25-228. Recording fees on list of heirs or real estate affidavit.

In accordance with Code of Virginia §§58.1-1718 and 58.1-3805, in addition to the State fee or tax imposed by Code of Virginia §58.1-1717.1, there is hereby imposed a twenty-five dollar (\$25.00) fee for the recordation of a list of heirs pursuant to Code of Virginia §64.2-509, or an affidavit relating to real estate of an intestate decedent pursuant to Code of Virginia §64.2-510, unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate.

(Sec. 228 Added by Ord. of 7-22-13, effective as of 7-01-12)

Secs. 25-229--25-230. Reserved.

ARTICLE XIII. SHORT-TERM RENTAL REGISTRY

Sec. 25-231. Creation of registry for short-term rental of property.

A. For purposes of this Article only:

- (1) “*Operator*” means the proprietor of any dwelling, lodging, or sleeping accommodations offered or rented as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, license, or any other possessory capacity.
- (2) “*Short-term rental*” means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days in exchange for a charge for the occupancy.

B. There is hereby created a short-term rental registry. An operator of a short-term rental is required to register with the Commissioner of the Revenue annually, on or before January 31st of each year. The registration shall be ministerial in nature and shall require operators to provide the complete name, mailing address, and telephone number of the operator and the address of each property in the County offered for short-term rental by the Operator.

C. No fee will be charged for registration.

D. The following persons are exempt from the registration requirements of this Article under Code of Virginia §15.2-983(B)(2): (i) a real estate professional licensed by the Commonwealth of Virginia Real Estate Board, (ii) a property owner who is represented by a real estate professional licensed by the Commonwealth of Virginia Real Estate Board; (iii) a person registered pursuant to the Virginia Real Estate Time-Share Act (§§55-360 et. seq.) of the Code of Virginia, 1950, as amended; (iv) a person licensed or registered with the Commonwealth of Virginia Department of Health, related to the provision of room or space for lodging; or (v) a person licensed or registered with the County of Rockbridge, related to the rental or management of real estate, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

E. Penalty:

- (1) The penalty for offering or renting a property for short-term rental that is not registered in accordance with this Article shall be five hundred dollars (\$500.00) per violation. Each day a property is offered for short-term rental that is not registered in accordance with this Article is a separate violation. Written notice of such violation(s) and the penalty imposed shall be sent to the specific property, with a copy sent to an alternate address, if a different address is listed in the real estate records of the

Commissioner of the Revenue. The notice shall be effective upon the date received or three (3) business days after mailing by the Commissioner of the Revenue, whichever is sooner. The Commissioner of the Revenue may, at his discretion, waive such penalty if the failure to register was due to no fault of the operator.

- (2) Unless and until an operator pays any penalty authorized by this Article and registers such property, the operator shall be prohibited from offering or renting, or continuing to offer or rent, such property for short-term rental.
- (3) Upon written notice of two (2) or more violations of this Article as it relates to a specific property, an operator may be prohibited from registering and offering or renting that property for short-term rental for two (2) calendar years from the date of the last notification of violation. Notice of such prohibition shall be sent and be effective in the same manner as the notice of violation and penalty described in Subsection (E)(1) above. Such prohibition may be rescinded for good cause by the Commissioner of the Revenue.
- (4) Upon written notice of more than three (3) violations of applicable State or local laws, Ordinances, or Regulations that relate to a specific property offered or used as a short-term rental, an operator may be prohibited from offering or renting such specific property for short-term rental within the County for two (2) calendar years from the date of last notification of violation. Notice of such prohibition shall be sent and be effective in the same manner as the notice of violation and penalty described in Subsection (E)(1) above. Such prohibition may be rescinded for good cause by the Commissioner of the Revenue.

F. It shall be the responsibility of the Commissioner of the Revenue, or his designee, to administer, interpret and enforce the provisions of this Article, who may be assisted by other officials of Rockbridge County, Virginia, pursuant to their respective positions.

G. The Commissioner of the Revenue shall monthly report to the Department of Community Development and the Building Department the registry information and a list of those operators of a short-term rental that decline to provide the information described in Subsection (B) above. The Office of Community Development may provide such information to the Planning Commission to assist in the development of appropriate land use controls for short-term rentals.

H. Nothing in this Article shall be construed to prohibit, limit, or otherwise supersede existing authority of Rockbridge County to regulate the short-term rental of property through general land use and Rockbridge County's Land Development Regulations (Subdivision and Zoning Ordinances). Nothing in this Article shall be construed to supersede or limit contracts or

agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§§55-79.39 et. seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in §55-528 of the Code of Virginia, 1950, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§§55-424 et. seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§§55-508 et. seq.).

(Article XIII Added by Ord. of 9-24-18, to be effective 10-01-18 and initial registration shall be completed on or before 1-31-19)

State law reference(s)--Code of Virginia, §15.2-983

Secs. 25-232--25-240. Reserved.

ARTICLE XIV. ADMISSIONS TAX*

Sec. 25-241. Imposed; amount.

A. Pursuant to the authority granted by §58.1-3818 of the Code of Virginia (1950, as amended), there is hereby imposed a tax on admissions charged for attendance at an event occurring within Rockbridge County, exclusive of any governmental tax or fee added to the charge paid for admission, as follows:

- (1) From January 1, 2022, through December 31, 2022, the admissions tax shall be three percent (3%) of the amount of the charge for admission to any event.
- (2) From January 1, 2023, through December 31, 2023, the admissions tax shall be six percent (6%) of the amount of the charge for admission to any event.
- (3) From January 1, 2024, and thereafter, the admissions tax shall be ten percent (10%) of the amount of charge for admission to any event.

The tax on admissions shall not exceed Three Dollars (\$3.00).

B. The charge paid for admission shall include any payment made for season tickets, whether obtained by contributions or subscription; any cover charge or other charge paid for the use of seats or tables, reserved or otherwise; and any other form of payment required for admission to see or participate in an event as defined in this Article. When a person is admitted free and a service charge is paid, the service charge shall be considered as a charge paid for admission.

C. No such tax shall be charged on the admissions charged for the following classes of events:

- (1) Admissions charged for attendance at public and private elementary, secondary, and college school-sponsored events, including events sponsored by school-recognized student organizations; and,
- (2) Admissions charged to participants in order to participate in sporting events.

Sec. 25-242. Applicability.

For the purpose of this Article, an “event” subject to the tax on the charge paid for admission shall mean admission to any performance, exhibition, entertainment, participation, or other occurrence, affair or occasion, whether occurring sporadically or on a regular basis, and including establishments and places of business, for which an admission fee or cover charge is required to allow entry, attendance and/or participation. Examples of such events are, without limitation: amusement park, amusement ride, athletic or other competitions, athletic or other type of exhibition, athletic park, recreation park, water park, automobile races, horse shows or races, carnival, circus, zoo, concert, dance, dance halls, bars, music festival or other type of festival or performance, theater performances, whether live or by tape or film, movie showings, and/or other entertainments, happenings or gatherings at which admission is charged for attendance.

Sec. 25-243. Collection and remittance; records.

A. Each person, operator or business liable for the payment of the admissions tax imposed hereunder shall collect said tax on behalf of the County from the person paying for admission as provided in this Article, and shall pay the same to the Treasurer of Rockbridge County, within ten (10) calendar days after each event, except for events that are held on a regular basis, for which remittance of the admissions tax imposed hereunder shall be made monthly and shall be paid to the Treasurer within ten (10) calendar days after the last day of the month in which such events occurred.

B. The Commissioner of the Revenue may require prospective collectors of the admissions tax to register for the collection of the tax imposed by this Article.

C. The taxes required to be collected by this Article shall be deemed to be held in trust by the person required to collect the taxes until such taxes are remitted to the County.

D. Every person collecting the admissions tax shall complete a return, upon such forms and setting forth such information as the Commissioner of the Revenue may prescribe and require. Such return shall include the following information: the amount of admission charged to each event; the total number of tickets sold or, if no tickets, then the total number of attendees; the total amount of admission charges collected, exclusive of governmental taxes and fees; and the amount of tax from the admission charge for which such person is liable. Such person shall sign and deliver the return to the Commissioner of the Revenue, with the remittance of such tax.

All remittances received hereunder by the Commissioner of the Revenue shall promptly be delivered to the Treasurer.

E. The complete records shall be maintained by the person responsible for collecting and remitting the admissions tax for a period of six (6) years and shall be made available for inspection by the Commissioner of the Revenue or the Sheriff of Rockbridge County during such time.

F. Whenever any person required to collect and pay to the County the tax imposed herein quits, goes out of business, or otherwise disposes of the business, the tax payable under this Article shall become immediately due and payable and such person shall immediately make a report and pay all admissions taxes due.

Sec. 25-244. Enforcement.

A. Anyone who fails or refuses to collect and pay the admissions tax imposed hereunder or who makes a false statement with intent to defraud in any report required herein, or violates any other provision of this Article, shall be guilty of a Class 1 misdemeanor, punishable by a fine not to exceed the maximum amount allowed by law or twelve (12) months in jail. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

B. Failure to collect or pay the admissions tax herein imposed shall cause the event operator to be personally liable for the same.

C. Interest at the rate of ten percent (10%) per annum upon the principal and penalties shall commence to accrue on any past-due amount on the first day following the day such tax payment is due.

D. A penalty of ten percent (10%) of the amount due for failure to pay the admissions tax when due shall also be assessed for the first month the taxes are past due, and five percent (5%) for each month thereafter, up to a maximum of 25 percent (25%) of the taxes collected but not remitted or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the delinquent amount of tax, and in addition such amount shall accrue interest at the rate of ten percent (10%) per annum until paid. Either the Commissioner of the Revenue or the Treasurer of Rockbridge County shall have the right to waive interest and penalty upon a determination that the failure to pay this tax was due to excusable neglect.

E. If any person shall fail or refuse to collect the tax imposed by this Article and to make, within the time provided in this Article, any report of the remittance required by this Article, the Commissioner of the Revenue shall obtain facts and information on which to base an estimate of the tax due and shall assess against such person the tax and penalties provided for by this Article based on such facts and information. The Treasurer shall notify such person, by

certified and first-class mail, of the total amount of tax, interest and penalties, and the total amount so assessed shall be payable within ten (10) days from the date of such notice.

F. Where any tax assessed pursuant to this Article is delinquent and unpaid for a period of thirty (30) days from the date the tax is due, the Treasurer shall add a thirty-dollar (\$30.00) administrative fee for taxes collected subsequent to thirty (30) days after notice of delinquent taxes but prior to the taking of any judgment, in addition to all penalties and interest owing thereon. In addition, such person shall pay reasonable attorney's or collection agency fees, not to exceed twenty percent (20%) of the delinquent tax bill. Attorney's fees and collection agency fees pursuant to this Section shall be added only if such fees are incurred by the County upon filing pleadings for judgment for recovery of such delinquency.

G. No tax assessment or tax bill shall be deemed delinquent and subject to collection procedures, interest, penalties, and other fees prescribed herein during the pendency of any administrative appeal of such amount pursuant to State law so long as the appeal is filed within ninety (90) days of the date of the assessment, and for thirty (30) days after the date of the final determination of the appeal.

Secs. 25-246--25-250. Reserved.

ARTICLE XV. CIGARETTE TAX

Sec. 25-251. Definitions.

For purposes of this Article, the following words and phrases have the following meanings respectively ascribed to them by this Section, except where the context clearly indicates a different meaning:

Cigarette means and includes any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether it is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

Cigarette Machine Operator means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

Commissioner of the Revenue means the Commissioner of the Revenue of the County and any of his or her duly authorized deputies and agents.

Dealer means and includes every manufacturer, jobber, wholesaler, retailer, cigarette machine operator, public warehouseman, or other person who supplies a seller or agent with cigarettes for sale within the County.

Package means any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily, a package contains twenty (20) cigarettes; however, the term “package” includes those containers in which fewer or more than twenty (20) cigarettes are placed.

Person means and includes any individual, firm, partnership, society, association, joint stock company, group, agency, syndicate, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. The word “person” as applied to a partnership, unincorporated association or other joint venture means the partners or members thereof, and as applied to a corporation, includes all of the officers and directors thereof.

Place of business means and includes any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption, or distribution, including vending machines, by a dealer within the County.

Purchaser means every person to whom title to any cigarettes is transferred by a seller within the jurisdictional limits of the County.

Sale or sell means and includes every act or transaction, irrespective of the method or means employed, including the use of vending machines and other mechanical devices, whereby ownership or possession, or both, of any cigarettes is transferred from the seller to any other person within the jurisdictional limits of the County.

Seller means every person who transfers title to any cigarettes or in whose place of business title to any cigarettes is transferred, within the jurisdictional limits of the County, for any purpose other than resale.

Stamp means a small gummed piece of paper or decal to be sold by the Treasurer and to be affixed to every package of cigarettes sold at retail in the County, and also any insignia or symbols printed by meter machine upon any such package under the authorization of the Treasurer.

Treasurer means the Treasurer of the County and any of his or her duly authorized deputies and agents.

Sec. 25-252. Registration required.

Each distributor, wholesaler, vendor, retailer, or other person selling, storing, or possessing cigarettes within or transporting cigarettes within or into the County for sale or use shall first register with the Commissioner of the Revenue. The application form, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the Commissioner of the Revenue deems necessary for the

administration and enforcement of this Article. Any applicant whose place of business and residence is outside the County shall automatically, by filing his application, submit himself to the County's legal jurisdiction and appoint the County Administrator as his agent for any service of lawful process. A copy of any such process served on the County Administrator shall be sent forthwith by registered mail to the distributor, wholesaler, vendor, retailer, or other person.

Sec. 25-253. Levied; amount.

There is hereby levied and imposed by the County a tax at the rate of \$0.0125 per cigarette on each cigarette sold, with a minimum of \$0.25 per package, to the ultimate consumer in the County. The amount of such tax shall be paid by the seller, if not previously paid, in the manner and at the time provided for in this Article.

Sec. 25-254. Method of payment.

A. The tax imposed by this Article shall be paid by affixing or causing to be affixed a stamp or stamps, of the proper denominational or face value, to each and every package of cigarettes sold within the County, in the manner and at the time or times provided for in this Article. Every dealer and every seller in the County, once registered, shall have the right to buy such stamps from the County Treasurer and to affix the same to packages of cigarettes as provided in this Article.

B. The Commissioner of the Revenue may permit the payment in advance of the tax levied and imposed by this Article by the method of placing imprints of the stamps upon original packages by the use of meter machines, in lieu of the method of paying such tax by the purchase and affixing of gummed stamps and may prescribe and enforce the necessary regulations setting forth the method to be employed and the condition to be observed in the use of such meter machines.

Sec. 25-255. Preparation and sale of stamps.

For the purpose of making stamps available for use, the Commissioner of the Revenue shall prescribe, prepare and furnish to the County Treasurer, and the County Treasurer shall sell stamps of such denominations and in such quantities as may be necessary for the payment of the taxes imposed by this Article.

Sec. 25-256. General duties of dealers and sellers with respect to stamps.

A. Every dealer in cigarettes is hereby required and it shall be his duty to purchase such stamps, at the office of the Commissioner of the Revenue and payment to the County Treasurer, as shall be necessary to pay the tax levied and imposed by this Article, and to affix or cause to be affixed a stamp or stamps of the monetary value prescribed by this Article to each package of cigarettes prior to delivery or furnishing of such cigarettes to any seller. Nothing herein contained shall preclude any dealer from using a stamp meter machine in lieu of gummed stamps to effectuate the provisions of this Article.

B. Every seller shall examine each package of cigarettes prior to exposing the same for sale, for the purpose of ascertaining whether such package has the proper stamps affixed thereto or imprinted thereon, as provided by this Article. If, upon such examination, unstamped or improperly stamped packages of cigarettes are discovered, the seller, where such cigarettes were obtained from a dealer, shall immediately notify such dealer, and upon such notification, such dealer shall forthwith either affix to or imprint upon such unstamped or improperly stamped packages the proper amount of stamps, or shall replace such packages with others to which stamps have been properly affixed or imprinted thereon.

C. Should a seller obtain or acquire possession of, from any person other than a dealer, any unstamped or improperly stamped cigarettes, such seller shall forthwith, before selling or offering or exposing such cigarettes for sale in the county, purchase and affix or cause to be affixed to such packages of cigarettes the proper stamps, or the markings of a meter machine, covering the tax imposed by this Article.

D. In the event any seller elects to purchase and affix stamps or imprints of a meter machine, before offering cigarettes for sale, any dealer delivering and furnishing cigarettes to such seller shall not be required to purchase and affix such stamps or imprints to such cigarettes so sold or furnished; provided that any such dealer shall, on the day after such delivery and furnishing, file with the Commissioner of the Revenue a copy of the delivery memorandum showing the name and address of the seller and the quantity and type of cigarettes so delivered and furnished.

Sec. 25-257. Visibility of stamps or meter markings.

Stamps or the printed markings of a meter machine shall be placed upon each package of cigarettes in such manner as to be readily visible to the purchaser.

Sec. 25-258. Altering design of stamps.

The Commissioner of the Revenue may, from time to time, and as often as he or she may deem advisable, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

Sec. 25-259. Refund for unused stamps or meter imprints.

A. Should any person, after acquiring from the Commissioner of the Revenue and payment to the County Treasurer for any stamps or metered imprints provided for in this Article, cease to be engaged in a business necessitating the use thereof, or should any such stamps become mutilated and unfit for use, other than by cancellation as provided in this Article, or otherwise not be used, such person shall be entitled to a refund of the denominational or face amount of any stamps or imprints so acquired and not used by him, less five percent (5%) of the denominational or face amount thereof, upon presenting such stamps or imprints to the Commissioner of the Revenue and furnishing the Commissioner of the Revenue with an affidavit

showing, to his satisfaction, that such stamps or imprints were acquired by such person and have not in any manner been used and the reason for requesting such refund.

B. All refunds for unused and mutilated stamps and for nonuse of imprints of stamps by meter machines provided for under this Section are hereby authorized to be made on vouchers approved by the Commissioner of the Revenue and, when made, the same shall be charged against the sums collected for the sale of such stamps and for the use of such imprints.

Sec. 25-260. Seizure and sale of unstamped cigarettes.

A. Whenever the Sheriff or any of his deputies shall discover cigarettes in quantities of more than six (6) cartons within the County which are subject to the tax imposed by this Article and upon which the tax has not been paid or upon which stamps have not been affixed or evidence of such tax shown thereon by the printed markings of an authorized meter machine, as this Article requires, such cigarettes shall be conclusively presumed for sale or use within the County and the Sheriff or his deputies may forthwith seize and confiscate such cigarettes, if:

- (1) They are in transit, and are not accompanied by a bill of lading or other document indicating the true name and address of the cosigner or seller and of the cosigner or purchaser, and the brands and quantity of cigarettes so transported; or are in transit and accompanied by a bill of lading or other document which is false or fraudulent in whole or in part; or
- (2) They are in transit and are accompanied by a bill of lading or other documents indicating:
 - a. A cosignee or purchaser in another State or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid, and unless the tax of the State or District of destination has been paid and the said products bear the tax stamp of that State or District; or
 - b. A cosignee or purchaser in the Commonwealth but outside the County who does not possess a Virginia sales and use tax certificate, a Virginia retail tobacco license and where applicable, both a business license and retail tobacco license issued by the local jurisdiction of destination; or
- (3) They are not in transit and the tax has not been paid, nor have approved arrangements for payment been made, provided that this Subsection shall not apply to cigarettes in the possession of distributors or public warehouses which have filed notice and appropriate proof with the Commissioner of the Revenue that those cigarettes are temporarily within

the County and will be sent to consignees or purchasers outside the County in the normal course of business.

B. All cigarettes seized and confiscated according to Subsection (1) of this Section shall thereupon be deemed to be forfeited to the County and may be sold within a reasonable time thereafter, after proper notice of such seizure is given to the known holders of property interests in the cigarettes. Such notice shall be given to known holders of property interests, if any, by certified mail and by written notice posted on the bulletin board(s) of the County Administration Center at least seven (7) days before the date of sale. Such notice shall contain the time and place at which the sale is to occur and procedures for administrative appeal as well as affirmative defenses which may be asserted by such holders. All moneys collected under this Section shall be paid to the County Treasurer and treated as other taxes collected under this Article. No credit from any sale or other disposition shall be allowed toward any tax or penalties owed.

Sec. 25-261. Seizure and sale of coin-operated vending machines and counterfeit stamp or impression devices.

A. Any coin-operated vending machine, in which any cigarettes are found, stored or possessed bearing a counterfeit or false tobacco tax stamp or impression or any unstamped cigarettes, or any cigarettes upon which the tax has not been paid, may be declared contraband property and be subject to confiscation and sale as provided in Section 25-260(B). When any such vending machine is found containing such cigarettes, it shall be presumed that such cigarettes were intended for distribution, sale or use therefrom. In lieu of immediate seizure and confiscation of any vending machine used in an illegal evasion of the tax, it may be sealed by appropriate enforcement authorities to prevent continued illegal sale or removal of any cigarettes and may be left unmoved until other civil and criminal penalties are imposed or waived. Notice requirements shall be the same as if the machine had been seized. Such seal may be removed, and the machine declared eligible for operation only by authorized enforcement authorities. Nothing in this Section shall prevent seizure and confiscation of a vending machine at any time after it is sealed.

B. Any counterfeit stamps or counterfeit impression devices found may also be seized and confiscated.

Sec. 25-262. Dealers' and sellers' records.

It shall be the duty of every dealer and seller to maintain and keep, for a period of two (2) years, such records of cigarettes sold and delivered by him as may be required by the Commissioner of the Revenue and to make all such records available for examination by such Commissioner of the Revenue, upon demand, at any and all reasonable times.

Sec. 25-263. Rules and regulations for enforcement and administration of article; examination of books, records, etc.

A. The Commissioner of the Revenue may prescribe, adopt, promulgate and enforce rules and regulations relating to the method and means to be used in the cancellation of stamps and to all other matters pertaining to the administration and enforcement of the provisions of this Article. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

B. The Commissioner of the Revenue may examine books, records, invoices, papers and any and all cigarettes in and upon any premises where the same are placed, stored, sold, offered for sale or displayed for sale by a seller or dealer.

Sec. 25-264. Tax is in addition to other taxes.

The tax levied and imposed by this Article shall be in addition to all other taxes of every kind levied and imposed by any other Ordinance or law.

Sec. 25-265. Violations of article -- Generally.

A. Any person violating any of the provisions of this Article shall be guilty of a Class 1 misdemeanor. In addition, any person who shall perform any fraudulent act or fail to perform any act for the purpose of evading the payment of any tax imposed by this Article shall be required to pay a penalty in the amount of fifty percent (50%) and interest not to exceed three quarters of one percent per month upon any tax found to be overdue and unpaid. Conviction and payment of a fine for such violation shall not relieve any person from the payment of any tax imposed by this Article.

B. Each violation of, or noncompliance with, any of the provisions of this Article shall be and constitute a separate offense and shall subject every person convicted thereof to the penalties prescribed.

Sec. 25-266. Same -- Prohibited acts enumerated.

It shall be unlawful and a violation of this Article for any person:

- (1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this Article or of any part thereof; or for any dealer or seller, with intent to violate any provision of this Article, to fail or refuse to perform any of the duties imposed upon him under the provisions of this Article or to fail or refuse to obey any lawful order which the Commissioner of the Revenue may issue under this Article.
- (2) To falsely or fraudulently make, forge, alter or counterfeit any stamp or the printed markings of any meter machine or to procure or cause to be made, forged,

altered or counterfeited any such stamp or printed markings of a meter machine or to knowingly and willfully alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps or printed markings of a meter machine.

- (3) To sell any cigarettes upon which the tax imposed by this Article has not been paid and upon which evidence of payment thereof is not shown on each package of cigarettes.
- (4) To reuse or refill with cigarettes any package from which cigarettes, for which the tax imposed has been theretofore paid, have been removed.
- (5) To remove from any package any stamp or the printed markings of a meter machine with intent to use or cause the same to be used after the same have already been used, or to buy, sell or offer for sale or give away any used, removed, altered or restored stamps or printed markings of a meter machine to any person, or to reuse any stamp or printed markings of a meter machine which had theretofore been used for evidence of the payment of any tax prescribed by this Article, or, except as to the County Treasurer, to sell or offer to sell any stamps or printed markings of a meter machine provided for in this Article.

Sec. 25-267. Same -- Presumption of violation by seller.

A. In the event any package of cigarettes is found in the possession of a seller, without the proper stamps being affixed thereto or without authorized printed markings of a meter machine thereon, and the seller shall be unable to submit evidence establishing that he received such package within the immediately preceding forty-eight (48) hours and that he has not offered the same for sale, the presumption shall be that such package is being kept by such seller in violation of the provisions of this Article and shall subject him to the penalties provided for such violation.

B. Any cigarettes placed in any coin-operated vending machine located within the County shall be presumed for sale within the County. Any vending machine located within the County containing cigarettes upon which the stamp has not been affixed or containing cigarettes placed so as not to allow visual inspection of the stamp through the viewing areas as provided for by the vending machine manufacturer shall be presumed to contain untaxed cigarettes in violation of this Article.

C. Any cigarettes, coin-operated vending machines, counterfeit stamps, or other property found in violation of this Article shall be declared contraband goods and may be seized by the Sheriff or any of his deputies. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes shall be subject to civil and criminal penalties herein provided.

D. In lieu of seizure, the Sheriff or any of his deputies may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of the seal

from a vending machine by any unauthorized person shall be in violation of this Article. Nothing in this Article shall prevent the seizure of any vending machine at any time after it is sealed.

E. All cigarette vending machines shall be plainly marked with the name, address and telephone number of owner of the machine.

(Article XV Added by Ord. of 8-23-21, to be effective on and from January 1, 2022).

Secs. 25-268--25-270. Reserved.

* **Editor's Note**--Former Section 25-228 entitled "Arc of Rockbridge and Rockbridge Mental Health Clinic Advisory Board, 68 Woodpecker Lane" added by Ordinance dated March 22, 2004 was deleted by Ordinance dated April 9, 2012.

* **Editor's Note**--Former Article XIV, entitled "Admissions Tax", Secs. 25-241--25-250, added by Ordinance dated June 22, 2020, was repealed in its entirety by Ordinance dated August 24, 2020; Article XIV, entitled "Admissions Tax", Secs. 25-241--25-250, added by Ordinance dated February 8, 2021, to be effective January 1, 2022.