

**ORDINANCE #17-09**

**AN ORDINANCE TO AMEND SECTION 18-237 OF ARTICLE II AND SECTION 18-271, 18-272, 18-273 and 18-282 OF ARTICLE VIII OF CHAPTER 18 OF THE CITY CODE TO INCREASE THE LEVY FOR TRANSIENT LODGING TAX AND PREPARED FOOD AND BEVERAGE TAX AND TO AMEND THE PROCESS FOR THE COLLECTION AND PAYMENT OF TAXES TO THE WILLIAMSBURG AREA DESTINATION MARKETING COMMITTEE**

WHEREAS, for clarity City Council has determined that a definition of *seller* should be added to Sec. 18-271 of the Williamsburg Code and such term should be utilized therein; and

WHEREAS, City Council has determined that it is in the best interest of the City of Williamsburg to amend Sec. 18-272 of the Williamsburg Code to increase the levy on prepared food and beverages pursuant to Section 33 of the Williamsburg City Charter and §58.1-3840 of the Code of Virginia (1950), as amended; and

WHEREAS, City Council has also determined that it is the best interest of the City of Williamsburg to increase the levy on transient occupancy and to pay over to the Williamsburg Area Destination Marketing Committee from the proceeds a contribution of not less than TWO DOLLARS (\$2.00) per room night sold instead of collecting such contribution as a separate additional levy.

NOW THEREFORE, BE IT ORDAINED, that pursuant Section 33 of the Williamsburg City Charter, and §51.1-3840 of the Code of the City of Williamsburg, Article VII Section 18-237 and Article VIII Sections 18-271, 18-272, 18-273 and 18-282 of Chapter 18 of the Williamsburg City Code are hereby amended as follows:

**CHAPTER 18**

**ARTICLE VII. - TRANSIENT LODGING TAX**

**Sec. 18-237. - Tax levied.**

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by law on each transient, a tax equivalent to seven percent of the total amount paid for lodging by or for any such transient to any hotel. Such tax shall be collected from such transient at the time and in the manner provided by this article. Annually or on such other schedule as shall be provided in the City's budget, two percent of the lodging tax collected shall be appropriated to the Tourism Development Fund and shall be paid by the City to the Williamsburg Area Destination Marketing Committee to be used solely for advertising the Historic Triangle area as provided in Code of Virginia §58.1-3823(C). Notwithstanding the foregoing, the contribution from

the City to the Williamsburg Area Destination Marketing Committee shall in no event be less than the equivalent of \$2.00 per room night annually.

## **ARTICLE VIII. - PREPARED FOOD AND BEVERAGE TAX**

### **Sec. 18-271. Definition.**

1. The following additional definition is added to Williamsburg Code Sec. 18-271:

*Seller* means any individual, partnership, association, joint stock company, 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 or group of individuals acting as a unit.

### **Sec. 18-272. - Levy.**

There is hereby imposed and levied by the city on each seller a tax at the rate of six and one-half (6.5) percent on the amount paid for meals purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not.

### **Sec. 18-273. Collection of tax by seller.**

Every seller receiving any payment for food with respect to which a tax is levied hereunder shall collect and remit the amount of the tax imposed by this article from the person on whom the same is levied or from the person paying for such food at the time payment for such food is made; provided, however, no blind person operating a vending stand or other business enterprise under the jurisdiction of the department for the visually handicapped and located on property acquired and used by the United States for any military or naval purpose shall be required to collect or remit such taxes.

All tax collections shall be deemed to be held in trust for the city.

### **Sec. 18-282. - Power to collect; disposition of tax monies.**

The director shall promulgate rules and regulations for the interpretation, administration and enforcement of this article. It shall be the duty of the director to ascertain the name of every person 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 director shall have all of the enforcement powers as authorized by Article 1, Chapter 31 of Title 58.1 of the Code of Virginia for purposes of this article and may request the commissioner of the revenue to assist in such enforcement. Two percent of the taxes collected under this article shall be appropriated and paid into the City Tourism Development Fund.

Except as here amended, the Williamsburg City Code shall remain unchanged.

This ordinance shall take effect on July 1, 2018.

Adopted: August 10, 2017



Paul T. Freiling, Mayor

Attest:   
Donna Scott, City Council Clerk