



# Albemarle County

## Legislation Details (With Text)

<b>File #:</b>	19-237	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Public Hearing	
<b>File created:</b>	3/22/2019	<b>In control:</b>		Board of Supervisors	
<b>On agenda:</b>	4/17/2019	<b>Final action:</b>			
<b>Title:</b>	<p>Ordinance to Amend County Code Chapter 15, Taxation. To receive public comment on its intent to adopt an ordinance to amend Chapter 15, Taxation, of the Albemarle County Code by reorganizing and rewriting the chapter, repealing obsolete and unnecessary provisions, and adding new provisions. The ordinance also would clarify and consolidate the Director of Finance's powers and duties under State law (new Sec. 15-100), reorganize existing Sec. 15-100 into separate sections pertaining to due dates (new Sec. 15-101), statutory assessments (new Sec. 15-102), penalties (new Sec. 15-103), interest (new Sec. 15-104), and applicability (new Sec. 15-108); revise consumer utility tax exemptions, consistent with Virginia Code § 58.1-3816.2 (new Sec. 15-606); replace numerous lengthy definitions and standards, especially for use-value assessments and veterans-related exemptions, with simple cross-references to controlling State law; extend the deadline for property tax assessment appeals to the Board of Equalization (to March 30), consistent with Virginia Code § 58.1-3378(2) (new Sec. 15-702); eliminate commissions for collecting food and beverage tax, consistent with Virginia Code § 58.1-3833 (existing Sec. 15-1205); and add a short-term rental tax on businesses renting heavy equipment property, consistent with Virginia Code § 58.1-3510.4(B)(2) (new Sec. 15-1201(B)). As reorganized, the subject matter of Chapter 15 would be composed of: Article 1, Administration; Article 2, Retail Sales Tax; Article 3, Recordation Tax; Article 4, Bank Franchise Tax; Article 5, Tax on Probate of Wills or Grants of Administration; Article 6, Consumer Utility Tax; Article 7, Real Property Tax (Div. 1, Generally, Div. 2, Real Property Tax Exemption for Certain Elderly and Disabled Persons, and Div. 3, Special Assessments for Land Preservation); Article 8, Personal Property Tax; Article 9, Transient Occupancy Tax; Article 10, Food and Beverage Tax; Article 11, Service Charge on Tax-Exempt Property; Article 12, Short-Term Rental Property Tax; and Article 13, Property Exempted from Taxation (Div. 1, Generally, and Div. 2, Certified Solar Energy Equipment, Facilities, or Devices and Certified Recycling Equipment, Facilities, or Devices).</p>				

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Att.A - Proposed Ordinance

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**AGENDA DATE:** 4/17/2019**TITLE:**

Ordinance to Amend County Code Chapter 15, Taxation

**SUBJECT/PROPOSAL/REQUEST:** Public hearing to consider adoption of an ordinance to amend Chapter 15, Taxation**ITEM TYPE:** Regular Action Item**STAFF CONTACT(S):** Richardson, Letteri, Kamptner, Herrick, Lamb, Lynch**PRESENTER (S):** Andy Herrick

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 15 of the County Code governs the assessment and collection of ten different County taxes, along with tax relief or reduction programs and tax exemptions. The chapter outlines when these taxes apply and at what rates, and how the Director of Finance is to administer and collect these taxes. It represents a compilation of various local taxes enabled by State law and adopted by the County.

**STRATEGIC PLAN:** *Quality Government Operations:* Ensure County's government capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified County Code. All local taxes must be in accord with State enabling authority. Specifically, most local taxes are enabled and outlined in various chapters of Title 58.1 of the Virginia Code. As with the County's business license ordinance (Chapter 8), the tax provisions of Chapter 15 are substantially similar, but not identical, to the corresponding State statutes.

Therefore, two overriding goals of the Chapter 15 recodification are:

1. To more closely conform the County's tax chapter with controlling State law.
2. To replace local provisions that duplicated controlling State law, with cross-references.

Noteworthy proposed revisions include:

1. The clarification and consolidation in *County Code* § 15-100 of the Director of Finance's powers and duties under State law.
2. The reorganization of existing *County Code* § 15-100 into separate sections dealing with due dates (new § 15-101), statutory assessments (new § 15-102), penalties (new § 15-103), interest (new § 15-104), and applicability (new § 15-108).
3. The revision in new *County Code* § 15-606 of consumer utility tax exemptions, consistent with Virginia Code § 58.1-3816.2.
4. The replacement of numerous lengthy definitions and standards, especially for use-value assessments and veterans-related exemptions, with simple cross-references to controlling State law.
5. The extension in new *County Code* § 15-702 of the deadline for property tax assessment appeals to the Board of Equalization (to March 30), consistent with *Virginia Code* § 58.1-3378(2).
6. The elimination of commissions for collecting food and beverage tax (existing *County Code* § 15-1205), consistent with *Virginia Code* § 58.1-3833.
7. The addition in new *County Code* § 15-1201(B) of a short-term rental tax on businesses renting heavy equipment property, consistent with *Virginia Code* § 58.1-3510.4(B)(2).

Where possible, without changing the underlying substance, staff has suggested primarily stylistic revisions, eliminating archaic or redundant language, to make the chapter easier to read.

**BUDGET IMPACT:** No significant budget impact is expected.

**RECOMMENDATION:**

Staff recommends that after holding a public hearing, the Board adopt the attached proposed ordinance (Attachment A).

**ATTACHMENTS:**

Attachment A - Proposed Ordinance

