

ELECTRIC UTILITY CONSUMPTION TAX ORDINANCE

Be it ordained by the Board of Supervisors of the County of Middlesex, Virginia that the Ordinance Establishing the Electric Utility Consumption Tax for Middlesex County is hereby adopted as follows:

ARTICLE 1 Title

This Ordinance shall be known and may be cited as the Electric Utility Consumption Tax Ordinance.

ARTICLE 2 Authority

This Ordinance is promulgated pursuant to authority contained in §58.1-2900, §58.1-2901 F and §58.1-3731 of the Code of Virginia of 1950, as amended.

ARTICLE 3 – Effective Date

This Ordinance shall be effective for revenues collected after January 1, 2003.

ARTICLE 4 – Definitions

For the purpose of this Ordinance, “service providers” means the person who delivers electricity to the consumer and “provider of billing services” means the person who bills a consumer for electric services rendered. If both the service provider and another person separately and directly bill a consumer for electricity service, then the service provider shall be considered the “provider of billing services”.

ARTICLE 5 – Amount of Tax

Section 1:

Pursuant to §58.1-2900 of the Code of Virginia of 1950, as amended, there is hereby imposed, in addition to the local consumer utility tax on the consumers of

electricity in the Commonwealth, a local tax based on kilowatt hours delivered by the incumbent distribution utility and used per month as follows:

1. Each consumer of electricity in the Commonwealth shall pay a local electric utility consumption tax on all electricity consumed per month not in excess of 2,500 kWh at the rate of \$0.00038/kWh;
2. Each consumer of electricity in the Commonwealth shall pay a local electric utility consumption tax on all electricity consumed per month in excess of 2,500 kWh but not in excess of 50,000 kWh, at the rate of \$0.00024/kWh;
3. Each consumer of electricity in the Commonwealth shall pay a local electric utility consumption tax on all electricity consumed per month in excess of 50,000 kWh, at the rate of \$0.00018/kWh.

Section 2 – Exemptions

The tax authorized by this Ordinance shall not apply to the municipality's own use or to use by divisions or agencies of federal, state or local governments.

ARTICLE 6 – Collection and Remittance of Tax; Failure to Remit Promptly

Section 1 – Collection:

The provider of billing services shall collect the tax from the consumer by adding it as a separate charge to the consumer's billing statement in amounts authorized in Article 5, Section 1 above.

Section 2 – Remittance:

A provider of billing services shall remit monthly to the Commissioner of the Revenue of Middlesex County, Virginia, the amount of local consumption tax paid during the preceding month by the provider of billing services' customers. Remittance shall be made on or before the last day of the succeeding month of collection.

Section 3 – Failure to Remit Promptly

Failure to remit timely will result in the addition of a ten percent penalty.

ARTICLE 7 – Right to Audit

The Middlesex County Board of Supervisors reserves the right to audit the books and records of any service provider or provider of billing services to verify that the tax imposed by this Ordinance has been correctly determined and properly remitted to the County.

Adopted by the Board of Supervisors of Middlesex County, Virginia, as follows:

	YEA	NAY
Kenneth W. Williams	aye	
Fred S. Crittenden	aye	
John D. Miller, Jr.	aye	
Lenora O. Weber	aye	
Wayne H. Jessie	aye	

CERTIFICATION

I, Charles M. Culley, Jr., Clerk of the Board of Supervisors of the County of Middlesex, Virginia, certify that the foregoing is a true and correct copy of an ordinance passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, at 6:45 P.M., October 23, 2002.

Charles M. Culley, Jr., Clerk