

ELECTRIC UTILITY TAX ORDINANCE

With respect to the imposition of a tax on consumers of utility services provided by electric utility suppliers, Section 2 of the Utility Tax Ordinance is hereby amended and superceded by the following provisions to comply with the provisions of §58.1-3814 of the Code of Virginia providing that all such taxes are to be based on kilowatt hours (kwh) delivered including customer charges.

AN ORDINANCE LEVYING A TAX ON PURCHASES OF UTILITY SERVICES, FIXING THE AMOUNT OF TAX, PROVIDING FOR ITS COLLECTION AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

WHEREAS, in order to provide increased public revenues, and to the extent necessary revenues to be used for solid waste disposal, it is deemed necessary by the County of Middlesex, to levy a tax on purchases of utility services.

NOW, THEREFORE, BE IT ORDAINED BY THE MIDDLESEX COUNTY BOARD OF SUPERVISORS as follows:

Section 1. The following words and phrases when used in this ordinance shall for the purposes of this ordinance have the following respective meanings, except where the context clearly indicates a different meaning.

- (a) PERSON. The word "person" shall include individuals, firms, partnerships, associations, corporations and combinations of individuals of whatever form and character.
- (b) ELECTRIC SERVICE. The phrase "electric service" as used in this ordinance shall include electric, furnished within the boundaries of the County of Middlesex.
- (c) PURCHASER. The word "purchaser" shall include every person who purchases an electric service.
- (d) SELLER. The word "seller" shall include every person who sells or furnishes an electric service.
- (e) RESIDENTIAL USER. The term "residential user" shall mean the owner or tenant or private residential property or tenant of an apartment who pays for an electric service in or for said property.
- (f) COMMERCIAL OR INDUSTRIAL USER. The term "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 an electric service for said property.

Section 2. Effective with the first bill for electric energy rendered for meter readings on or after January 1, 2001 the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:

Residential customers: \$0.014919 per kilowatt-hour (kwh) plus a minimum tax of \$1.40 per month with a maximum tax of \$2.00 per month.

Commercial customers: \$0.003714 per kilowatt-hour (kwh) plus a minimum tax of \$0.57 per month with a maximum tax of \$2.50 per month.

Industrial customers: \$0.003714 per kilowatt-hour (kwh) plus a minimum tax of \$0.57 per month with a maximum tax of \$2.50 per month.

Master-metered dwelling units including, but not limited to, apartments, condominiums, trailers, mobile homes and manufactured homes shall be taxed at the residential rate per unit per month.

Section 3. It shall be the duty of every seller in acting as the tax collecting medium or agency for the County of Middlesex 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 therefore and the taxes collected during each calendar month shall be reported by each seller, then the County Treasurer and each seller shall remit the amount of tax shown by said report to the County Treasurer on or before the last day of the second calendar month thereafter, together with

the name and address of any purchaser who has refused to pay his tax. The tax levied or imposed under this ordinance with respect to the purchase of electric service shall become effective on bills rendered on meter readings taken on and after January 1, 2001, 12:01 A.M.

Section 4. Each and every seller shall keep complete records showing all purchases in the County of Middlesex, which records shall show the price charged against purchaser with respect to each purchase, the date thereof; and the date of payment thereof, and the amount of tax imposed hereunder, and each record shall be kept open for inspection by the duly authorized agents of the County of Middlesex 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.

Section 5. Where the tax here levied is collected by the seller in acting as the tax collecting medium or agency for the County of Middlesex and remitted by the seller to the County, such seller shall be allowed, as compensation for the collection and remission of taxes, zero per centum (0%) of the amount of the tax collected in the form of a deduction in making payment.

Section 6. The United States of America, the State of Virginia, Churches, and the political subdivisions, boards, commissions and authorities thereof, are hereby exempted from the payment of the tax imposed and levied by this ordinance with respect to the purchase of utility services used by such governmental agencies

Section 7. Any purchaser failing, refusing or neglecting to pay the tax hereby imposed or levied and any seller violating the provisions hereof, and any officer, agent or employee of any seller violating the provisions hereof, shall upon conviction, be subject to a fine or 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.

Section 8. The tax levied or imposed under this ordinance shall become effective sixty days subsequent to written notice by certified mail to the registered agent of the utility corporation required to collect the tax.

This ordinance is effective upon its adoption.

Adopted by vote of the following members, following a public hearing conducted on Tuesday, November 7, 2000:

John D. Miller, Jr.	aye
Kenneth W. Williams	aye
Lenora O. Weber	aye
Frank Jessie	aye
Fred S. Crittenden	aye

A Copy Teste:

Charles M. Culley, Jr.
Clerk to the Board