

COUNTY OF SURRY, NORTH CAROLINA

RESOLUTION AUTHORIZING ESTABLISHMENT OF AN ORDINANCE LEVYING TAX ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1852, signed into law as Session Law 2008-144 (S.L. 2008-144) and effective for taxable years beginning on or after January 1, 2009; and

WHEREAS, this act repealed the property tax on certain heavy equipment leased or rented under retail short-term leases or rentals and authorized counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals.

NOW, THEREFORE BE IT RESOLVED, by the Surry County Board of Commissioners that the following ordinance is enacted:

SECTION 1. Tax on Gross Receipts derived from retail short term heavy equipment leases or rentals. The County of Surry hereby imposes and levies a tax of one and two-tenths percent (1.2%) of the gross receipts from the short-term lease or rental of heavy equipment at retail to the general public.

SECTION 2. Administration. The County will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the County may promulgate additional rules and regulations necessary for implementation of the taxes.

SECTION 3. Payment of Taxes and Filing of Returns. The taxes levied hereby are due and payable to the County in monthly installments on or before the fifteenth (15th) day of the month following the month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the fifteenth (15th) day of each month, prepare and render a return to the County. The County shall design, print and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by Section 132-1 of the North Carolina General Statutes and may not be disclosed except as required by law.

SECTION 4. Penalties. In case of failure or refusal to file a return or pay the tax for a period of thirty (30) days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid. The County Board of Commissioners for good cause shown, may compromise or forgive any penalty or additional tax imposed hereunder.

SECTION 5. Misdemeanor for Willful Violation. Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

SECTION 6. Effective Date. The short term rental or leased heavy equipment gross receipts tax levied herein shall become effective January 1, 2009.

Signed this 3rd day of November, 2008.

Craig Hunter
Chairman

Conchita Atkins
Clerk to the Board