

ORDINANCE  
2020-3  
FOR IMPOSITION OF CIGARETTE EXCISE TAX

Upon the \_\_\_ unanimous vote ||  affirmative vote of a majority of the incumbent members of the Dublin Town Council as recorded below, after conducting a properly advertised/noticed public hearing at the Council's regular monthly meeting on Thursday, May 21, 2020 at 7:00 p.m. in the Council's chambers at the Dublin Municipal Building, 101 Dublin Park Road, Dublin, Virginia, the Council of the Town of Dublin hereby enacts this ordinance:

Effective July 1, 2020, in addition to any and all other taxes currently or subsequently imposed by law, there is hereby levied and imposed by the Town of Dublin, Virginia ("Town") an excise tax of one and one quarter cents (1.25¢) per cigarette ("cigarette tax") on all cigarettes (as defined in Virginia Code §58.1-1031) sold, whether at retail or wholesale, or otherwise distributed for consideration, within the Town. The cigarette tax applies to all cigarettes, whether sold/distributed individually or in bulk (e.g., in a package, carton, or other container). (Thus, for example, the cigarette tax on a usual pack of 20 cigarettes will be 25¢, and on a usual carton of 10 packs of cigarettes, \$2.50.)

The tax shall be collected at the time of sale or distribution of cigarette(s) to a consumer or recipient of such cigarette(s) by the person(s) or entity(ies) effecting such sale or distribution (such person(s) or entity(ies) being referred to herein as "cigarette vendor"), and then remitted quarterly, within 15 consecutive business days after the end of the preceding quarter, to the Treasurer of the Town of Dublin with a written or electronic accounting stating the number of cigarettes sold, the total tax amount collected, and the amount being remitted. The remitter of the cigarette tax collections shall be entitled to deduct from each quarterly remittance two percent (2%) of the cigarette tax collections for that quarter in consideration for his/its compliance with this ordinance.


If any cigarette vendor claims that the cigarette tax has already been collected and paid by his/its vendor (e.g., a wholesaler or like distributor), then the cigarette vendor shall submit to the Treasurer of the Town of Dublin a sworn statement (affidavit) from the wholesaler/distributor, signed by such wholesaler/distributor or his/its authorized agent, which states (i) the name of the person(s) or entity(ies) to whom/which cigarettes were sold/delivered/distributed, (ii) the date(s) of such sales/deliveries/distributions, (iii) the number of cigarettes sold/delivered/distributed, (iv) the amount of Town cigarette tax collected, (v) the amount of Town cigarette tax paid, and (vi) when the cigarette tax was paid to the Town. In the absence of such sworn statement, or if such statement cannot be verified or is inaccurate or false, then the cigarette vendor effecting the sale or distribution of cigarette(s) to the end-user of such cigarette(s) shall be presumptively liable for payment of the cigarette tax to the Town. Should the cigarette vendor responsible for payment of the cigarette tax fail to do so fully and timely, then that cigarette vendor shall be additionally liable to the Town for interest on the unremitted amount at the annual rate of 10%, accruing from the date on

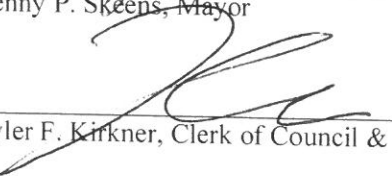
which remittance of the cigarette tax was due. All cigarette tax collections shall be deemed to be held in trust for the Town, and the wrongful and fraudulent use of such collections, other than remittance to the Treasurer of the Town of Dublin as provided by this ordinance, shall *prima facie* constitute embezzlement under Virginia Code §18.2-111. Each person or entity who/which is responsible for collection and payment of the cigarette tax under this ordinance shall maintain written or electronic records of their sales/distributions of cigarettes and promptly produce those records to the Treasurer of Town of Dublin upon request.

The Town Treasurer shall notify all known or believed cigarette vendors located in the Town as of the date of enactment of this ordinance, and all subsequent applicants for Town business licenses, of the enactment of this ordinance; however, that any cigarette vendor does not receive such notification shall not relieve him/it of his/its obligations under this ordinance.

Adopted and enacted this May 21, 2020

	In favor		Opposed
Debbie Lyons	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Norman Dowdy II	<input type="checkbox"/>	<i>Absent</i>	<input type="checkbox"/>
Edith Hampton	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Douglas Irvin, Sr.	<input type="checkbox"/>	<i>Absent</i>	<input type="checkbox"/>
Steve Crigger	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Debbie Hager	<input checked="" type="checkbox"/>		<input type="checkbox"/>

Attest:   
 Benny P. Skeens, Mayor

Attest:   
 Tyler F. Kirkner, Clerk of Council & Town Manager