

**AN ORDINANCE TO AUTHORIZE THE COMMISSIONER OF THE REVENUE TO
WAIVE THE FILING REQUIREMENT FOR PROPERTY TAX RETURNS IN
CERTAIN SITUATIONS.**

ID#2018-2

BE IT ORDAINED that the ordinance captioned "ORDINANCE TO SET TIME FOR FILING ANNUAL RETURNS OF TAXABLE TANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS AND MERCHANTS' CAPITAL, AND TO SET PENALTIES AND INTEREST FOR FAILURE TO FILE RETURN AND FOR NONPAYMENT IN TIME" enacted on December 13, 1988 that became effective on January 1, 1989 is hereby amended as follows:

Pursuant to Section 58.1-3916 of the Code of Virginia (1950, as amended), the Madison County Board of Supervisors hereby ordains that every person owning taxable tangible personal property, machinery and tools, and merchants' capital in Madison County, Virginia, shall file a return declaring the same with the Commissioner of Revenue of Madison County, Virginia, on or before the first (1st) day of May in the year in which such property is subject to taxation by Madison County, Virginia.

A penalty for failure to file such returns and for nonpayment of any tax assessed thereon in time is hereby set, said penalty to be ten (10%) percent of the tax past due on such property or the sum of ten (\$10.00) dollars, whichever is greater; provided, however, the penalty shall in no case exceed the amount of tax due. The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failing to make return of taxable property as may be required by law or ordinance. Penalty for failure to file an application or return shall be assessed on the day after such return or application is due; penalty for failure to pay any tax shall be assessed on the day after the first installment is due. Any such penalty when so assessed shall become a part of the tax. No penalty for failure to pay any tax shall be imposed for any assessment made later than two weeks prior to the day on which the taxes are due, if such assessment is made thereafter through the fault of a local official, and if such assessment is paid within two (2) weeks after notice thereof is mailed.

Notwithstanding the provisions of this section, any person who has previously filed a property return on any motor vehicle, trailer, semi-trailers, boat or watercraft, for which there has been no change in situs or status as hereinafter set forth in this section, shall not be required to file another personal property tax return on such property. The assessment and taxation of property shall be based on the most recent tax return previously filed with the County.

Furthermore, a taxpayer who failed to file a personal property tax return on such property in any previous tax year, but who pays a personal property tax for such tax year based on information supplied to the taxpayer by the commissioner of the revenue, shall be deemed for purpose of this paragraph to have filed a return on such property for subsequent tax years.

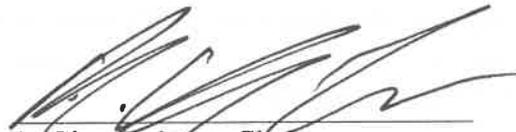
Notwithstanding the foregoing, the commissioner of the revenue shall waive the requirement for the filing of tax returns for motor vehicles, trailers, semi-trailers, or boats pursuant to Code of Virginia sections 58.1-3518.1 and 58.1-3519 and assess such property based upon information received from the Virginia Department of Motor Vehicles, the Virginia Department of Game and Inland Fisheries, or other public agency or private entity required by law to report the presence of such property within the county, and the tax shall be assessed and levied on such information.

Interest at the rate of ten (10%) percent per year shall commence on delinquent taxes on the first day following the day such taxes are due to be paid.

Penalty and interest for failure to file a return or to pay a tax shall not be imposed if such failure was not the fault of the taxpayer. The Treasurer of Madison County, Virginia shall make determinations of fault relating exclusively to failure to pay a tax, and the Commissioner of Revenue of Madison County, Virginia shall make determinations of fault relating exclusively to failure to file a return.

BE IT FURTHER ORDAINED that this ordinance shall become effective on July 1, 2018.

ADOPTED the 24th day of April, 2018 on motion of Supervisor McGhee, seconded by Supervisor Hoffman.


R. Clay Jackson, Chairman
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	<input checked="" type="checkbox"/>	___	___	___
Jonathon Weakley	<input checked="" type="checkbox"/>	___	___	___
Kevin McGhee	<input checked="" type="checkbox"/>	___	___	___
Charlotte Hoffman	<input checked="" type="checkbox"/>	___	___	___
Amber Foster	<input checked="" type="checkbox"/>	___	___	___