

AN ORDINANCE No. 86-99-127

ADOPTED MAY 28 1986

To amend and reordain Section 28-176 (definitions); 28-177 (levy of tax); 28-178 (exclusion of certain meals); 28-180 (collection of tax by seller of meals); and 28-182 (report of taxes collected and remittance) of Article VI, Tax on Persons Obtaining Food at Restaurants, of Chapter 28, Taxation, of the Code of the City of Richmond, 1985, concerning definitions, levy of tax, exclusion of certain meals from imposition of tax, collection of tax by seller of meals and report and remittance of taxes collected.

Patron - Acting City Manager

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Sections 28-176, 28-177, 28-178, 28-180,
3. and 28-182 of Article VI of Chapter 28 of the Code of the
4. City of Richmond, 1985, be and are hereby amended and
5. reordained as follows:
6. Sec. 28-176. Definitions.
7. The following words and phrases, when used in this
8. article, shall, for the purposes of this article, have the
9. following respective meanings, except where the context
10. clearly indicates a definite meaning:
11. Food shall mean all edible refreshments and
12. nourishments, liquid or otherwise [~~except alcoholic~~
13. ~~beverages~~].

1. Restaurant shall mean any confectionary,
2. delicatessen, eating house, drugstore, club, resort or other
3. place in the city at which food, as defined in this section,
4. is served to the public.]

5. Collector shall mean the collector of city taxes for
6. the city.

7. Director shall mean the director of finance and his
8. or her duly designated deputies, assistants, inspectors or
9. other employees.

10. Meal shall mean any prepared food or drink offered
11. or held out for sale by a restaurant or caterer for the
12. purpose of being consumed by any person to satisfy the
13. appetite. All such food and drink shall be included,
14. whether intended to be consumed on the seller's premises or
15. elsewhere, whether designated as breakfast, lunch, snack,
16. dinner, supper or by some other name, and without regard to
17. the manner, time or place of service.

18. Purchaser shall mean any person who purchases food
19. or drink.

20. Restaurant shall mean any place in the city from
21. which or in which food is sold, including but not limited to
22. places of business known as bars, cafes, cafeterias, coffee
23. shops, clubs, delicatessens, diners, dining rooms, eateries,
24. grills, lunch counters, restaurants, snack bars, food

1. festivals, auditoriums and coliseums, grocery stores or
2. convenience stores, push carts, hot dog stands and other
3. mobile points of service.

4. Sec. 28-177. Levy.

5. There is hereby imposed and levied by the city on
6. each person a tax at the rate of three (3) percent on the
7. amount paid for [~~feed-(i.e.,-only-on-feed-as-defined-in~~
8. ~~Section-28-176)-in-or~~] meals from any restaurant, whether
9. prepared in such restaurant or not, and whether consumed on
10. the premises or not.

11. Sec. 28-178. Exclusion of certain meals furnished to
12. employees exempt from imposition of tax
13. and of meals obtained from coin-operating
14. vending machines.

15. [~~Meals-furnished-employees-in-the-course-of-or-in~~
16. ~~connection-with-their-employment-in-establishments-serving~~
17. ~~food-shall-not-be-considered-as-sales-of-food-under-this-~~
18. ~~article.] The following listed meals are excluded from
19. imposition of the tax imposed in this article:~~

20. (1) Meals furnished by restaurants to employees as
21. part of their compensation when no charge is made to the
22. employee.

23. (2) Meals sold by public or private elementary or
24. secondary schools to their students or employees.

25. (3) Meals furnished by a hospital, medical clinic,
26. convalescent home, nursing home, home for the aged, infirmed

1. or handicapped or other extended care facility to patients
2. or residents thereof.

3. (4) Meals furnished by a non-profit charitable
4. organization to elderly, infirmed, handicapped or needy
5. persons in their homes or at central locations.

6. (5) Meals sold by a non-profit educational,
7. religious, charitable or benevolent organization on an
8. occasional basis as a fund-raising activity.

9. (6) Meals obtained from coin-operated vending
10. machines.

11. Sec. 28-180. Collection of tax by seller of [~~food~~]
12. meals.

13. Every person receiving any payment for [~~food~~] meals
14. with respect to which a tax is levied by this article shall
15. collect the amount of the tax imposed by this article from
16. the person on whom the same is levied or from the person
17. paying for such [~~food~~] meal at the time payment for such
18. [~~food~~] meal is made.

19. Sec. 28-182. Report of taxes collected; remittance of
20. tax to city.

21. The person collecting any tax as provided in this
22. article shall make out a report thereof upon such forms and
23. setting forth such information as the director may prescribe
24. and require, showing the amount of [~~food~~] charges collected
25. for meals and the tax required to be collected, and shall

1. sign and deliver such report to the collector with remit-
2. tance of such tax. Such report and remittance shall be
3. made as required by the director which shall be at least
4. once in every thirty-day period.
5. § 2. This ordinance shall be in force and effect
6. July 1, 1986.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No.86-99..... Requested by ...Acting City Manager..... Received City Manager's Office--..... Summarized4/21/86.....	Subject To Amend Code - Section 28-176, Section 28-177, Section 28-178, Section 28-180 and Section 28-1 To Allow Food Tax "Delicatessen etc."
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SUMMARY

This Ordinance would amend and reordain Section 28-176 (definitions); 28- (levy of tax); 28-178 (exclusion of certain meals); 28-180 (collection of tax by seller of meals); and 28-182 (report of taxes collected and remittance) of Article VI, Tax on Persons Obtaining Food at Restaurants, of Chapter 28, Taxation, of the Code of the City of Richmond, 1985, concerning definitions, levy of tax, exclusion of certain meals from imposition of tax, collection of tax by seller of meals and report and remittance of taxes collected.

Purpose and Reason: Restaurants are now required to collect a 3% tax on meals. The administrative policy of the City is to require collection of the tax if seating was available to consume the meal. With the proliferation of grocery store delicatessens, convenience store delicatessens and other means of securing prepared foods, amendments to our existing ordinance are necessary so the 3% tax can be collected by the above mentioned types of businesses, who directly compete with the types of food restaurants sell.

Estimated Revenue: \$450,000.

COUNCIL ACTION

	On Docket4/28/86.....
	Amended
	Adopted
	Rejected