

ORDINANCE NO. 4133

AN ORDINANCE to amend and reordain Sections 3-2-241 (DEFINITIONS), Section 3-2-242 (AMOUNT AND LEVY OF TAX), Section 3-2-243 (COLLECTION OF TAX), Section 3-2-246 (EXEMPTIONS; LIMITATIONS ON APPLICATION), and Section 3-2-250 (PRESERVATION OF RECORDS), all of Article N (TAX ON MEALS SOLD BY RESTAURANTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 3-2-241 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-241 Definitions.

(1) *Caterer.* A person who furnishes food, beverages, or both, on the premises of another, for compensation.

(2) *Meal.* Any prepared food or beverage offered or held out for sale by a restaurant for the purpose of being consumed by any person to satisfy the appetite and which is ready for immediate consumption. All such food and beverage, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller=s premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time or place of service. As used in this article Ameal@ shall include specifically, without limitation, the following:

- (a) hot foods or hot food products ready for immediate consumption;
- (b) sandwiches;
- (c) salad bar items sold from a salad bar;
- (d) prepackaged single-serving salads consisting primarily of an assortment of vegetables;
- (e) beverages, including, without limitation, alcoholic beverages, not sold in factory sealed containers;
- (f) alcoholic beverages sold in factory sealed containers and purchased for on-premises consumption; and

(g) food and beverages sold by caterers located in the city, whether consumed at a location inside or outside of the city.

(3) *Person.* Any individual, corporation, company, association, firm, co-partnership or any group of individuals acting as a unit.

(4) *Purchaser.* Any person who purchases a meal.

(5) *Restaurant.* Any place located in the city in or from which meals are sold, including but not limited to, drugstores, eating houses, public and private clubs, resorts, bars, lounges, cafeterias, cafes, snack bars, lunch counters, movie theaters, delicatessens, confectioneries, bakeries, grills, coffee shops, diners, dining rooms, eateries, ice cream and frozen yogurt shops, lunch wagons or trucks, pushcarts or other mobile facilities from which food is sold, caterers, and places of business commonly known as restaurants.

(6) *Seller.* Any person who sells a meal.

Section 2. That section 3-2-242 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-242 Amount and levy of tax.

There is hereby imposed and levied by the city, upon every purchaser of a meal, in addition to all other taxes, fees and charges of every kind now or hereafter imposed by law, a tax upon each and every meal sold in the city in or from a restaurant, whether prepared in the restaurant or not and whether consumed on the premises or not, based upon the amount charged the purchaser by the seller for the meal, at the rate of three percent (3%) of the total charge.

Section 3. That section 3-2-243 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-243 Collection of tax.

The tax, in each and every case, shall be collected by the seller from the purchaser at the time that the charge for the meal shall be due and payable, whether the payment shall be made in cash or on credit by means of a credit card or otherwise; provided, however, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Visually Handicapped and located on property acquired and used by the United States for any military or naval purpose shall be required to collect and remit the tax.

The seller shall separately state the amount of the tax and add the tax to the amount charged for the meal, and the tax shall be paid to the city for its use by the seller as hereinafter provided.

Section 4. That section 3-2-246 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-246 Exemptions; limitations on application.

The tax imposed under this article shall not be levied on the following:

(1) Meals furnished by restaurants to employees of the restaurant in the course of or in connection with their employment when no charge is made to the employees.

(2) Meals purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.

(3) Meals sold by public or nonprofit (a) day care centers, (b) elementary or secondary schools, or (c) colleges or universities, to their students or employees.

(4) Meals for use or consumption and which are paid for directly by the Commonwealth, any political subdivision of the Commonwealth or the United States.

(5) The following items, as more particularly described in the Food Stamp Act of 1977, 7 U.S.C. ' 2012, as amended, and federal regulations adopted pursuant to that act:

(a) except as provided in subsection 3-2-241(2), any food or food product for home consumption;

(b) in the case of persons who are 60 years of age or over, persons who receive supplemental security income benefits, disabled persons, or blind persons, and their spouses, meals prepared by and served in senior citizens= centers and other facilities which serve such persons;

(c) in the case of persons who are 60 years of age or over, persons who are physically or mentally handicapped or disabled, or persons who are otherwise so disabled they are unable adequately to prepare all of their meals, and their spouses, meals prepared for and delivered to such persons at their home by a public or private nonprofit organization or by a private establishment under contract with the appropriate government agency to perform such services;

(d) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs;

(e) in the case of persons who are residents in certain public or private nonprofit group living arrangements, meals prepared and served under such arrangements;

(f) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served by such shelters; and

(g) in the case of homeless persons, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate government agency) that feeds such persons or by a private establishment under contract with an appropriate government agency to offer meals for such persons.

(6) Alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption.

(7) Food and beverages sold through vending machines.

Section 5. That section 3-2-250 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-250 Preservation of records.

It shall be the duty of every person required by this article to pay to the city the taxes imposed by this article to keep and to preserve for a period of five (5) years records showing all purchases taxable under this article, the amount charged the purchaser for each purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The director shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and all of the provisions of section 2.02 of the city charter, and to make transcripts of all or any parts thereof.

Section 6. That this ordinance shall become effective on July 1, 2000.

KERRY J. DONLEY
Mayor

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