

**ORDINANCE LEVYING TAX ON GROSS RECEIPTS DERIVED FROM THE BUSINESS OF THE 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 made effective for taxable years beginning on or after January 1, 2009; and

**WHEREAS**, this act exempted certain heavy equipment from the property tax base; and

**WHEREAS**, this act enacted North Carolina General Statute Section 153A-156.1 which authorizes counties and cities to replace the lost tax revenue through the method of levy of a local tax at the rate of one and two tenths (1.2%) on the gross receipts from the short term lease or rental of heavy equipment at retail.

**NOW, THEREFORE BE IT RESOLVED**, by the Alamance 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 Alamance hereby imposes and levies a tax of one and two tenths percent (1.2 %) of the gross receipts from the short-term leases or rental of heavy equipment at retail.

**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. Payments of Taxes and Filing of Returns.**

The taxes levied hereby are due and payable to the County Finance Officer quarterly on the last day of the month following the end of a quarter. The tax is intended to be added to the amount charged for the short-term lease or rental of heavy equipment and paid to the business by the person leasing or renting the heavy equipment. Every taxable establishment required to collect the tax shall, on or before the last day of the month following the quarter, prepare and render a return to the County Finance Officer. The County Tax Office shall design, print and furnish to all taxable establishments the necessary forms for filing returns and instructions to ensure 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 Alamance County Board of Tax Equalization and Review for good cause shown, may consider any appeals and compromise, adjust or forgive any penalty or add additional taxes or penalties 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 lease or rental of heavy equipment gross receipts tax levied herein shall become effective April 1, 2009.

Signed this 1st day of December, 2008.

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The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on December 1, 2008. See Minute Book No. 39, Page 34.