

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

LEESBURG TOWN CODE AMENDMENT:

**CHAPTER 2 (ADMINISTRATION); ARTICLE IV (FINANCE); SECTION 24-164
(COLLECTION FEE FOR TAXES, FEES AND CHARGES)**

Pursuant to the Code of Virginia of 1950, as amended, Sections 15.2-1427 and 58.1-3958, the **LEESBURG TOWN COUNCIL** will hold a Public Hearing on **February 26, 2013, at 7:30 p.m.**, Council Chambers at Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, to consider the following amendment to the Town Code:

Sec. 2-164. - Collection fee for taxes, fees and charges.

Where any taxes on real estate or any other taxes, fees or charges are not paid by the date on which such taxes, fees or charges are due and payable, there is hereby imposed a fee, as set forth in this section, in addition to all penalties and interest otherwise levied for failure to pay taxes, fees or charges on time, to cover administrative costs associated with the collection of such delinquent taxes, fees or charges. If such taxes, fees or charges are paid or collected subsequent to the filing of a warrant or the appropriate legal document by the town or other collection activity, but prior to the judgment, the fee shall be as established by the town council. If such taxes, fees or charges are paid or collected subsequent to the time a judgment is obtained, the fee shall be as established by the town council. In addition, a person from whom any tax, fee or charge is collected shall be liable to the town for any other collection fee, administrative fee, judgment or docketing fee imposed by law.

A copy of the proposed ordinance is available from the Town Clerk, located in Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.); or by calling Lee Ann Green, Town Clerk, at 703-771-2733.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

2/20/13



Date of Council Meeting: February 26, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Town Code Amendment regarding administrative fee for collection of taxes, fees and charges.

Staff Contact: Jeanette A. Irby, Town Attorney

Recommendation: Amend Section 2-164 of the Town Code (Collection fee for taxes, fees and charges) so that the code section is clearer and easier to understand.

Issue: Should Town Code Section 2-164 be amended so that the ordinance is clear that the administrative fee of \$30 and \$35, permitted by Code of Virginia, Section 58.1-3958, is available when the Town brings collection actions for delinquent taxes, fees and charges?

Fiscal Analysis: n/a

Background: Judge Welsh of the Loudoun County General District Court has asked that the Town Code be amended so that the section which authorizes the Town to collect an administrative fee when it brings an action to collect delinquent taxes, fees and charges, is easier to understand. The town code amendment merely clarifies the language in the ordinance.

Attachments:

Proposed Ordinance

PRESENTED: January 26, 2013

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), SECTION 2-164 (COLLECTION FEE FOR TAXES, FEES AND CHARGES)

WHEREAS, Code of Virginia of 1950, as amended, § 58.1-3958 authorizes the town to collect an administrative fee when it initiates litigation for the collection of delinquent taxes, fees and charges; and

WHEREAS, a judge of the Loudoun County General District Court has asked the Town to clarify the ordinance to allow the ordinance to be more easily understood; and

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. That Chapter 2, Article IV, Section 2-164 be and the same is hereby amended to read as follows:

Sec. 2-164. - Collection fee for taxes, fees and charges.

Where any taxes on real estate or any other taxes, fees or charges are not paid by the date on which such taxes, fees or charges are due and payable, there is hereby imposed a fee, as set forth in this section, in addition to all penalties and interest otherwise levied for failure to pay taxes, fees or charges on time, to cover administrative costs associated with the collection of such delinquent taxes, fees or charges. If such taxes, fees or charges are paid or collected subsequent to the filing of a warrant or the appropriate legal document by the town or other collection activity, but prior to the judgment, the fee shall be as established by the town council. If such taxes, fees or charges are paid or collected subsequent to the time a judgment is obtained, the fee shall be as established by the town council. In addition, a person from whom any tax, fee or charge is collected shall be liable to the town for any other collection fee, administrative fee, judgment or docketing fee imposed by law.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 2 (ADMINISTRATION),
ARTICLE IV (FINANCE), SECTION 2-164 (COLLECTION FEE FOR
TAXES, FEES AND CHARGES)

SECTION III. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

SECTION IV. This ordinance shall be effective upon its adoption.

PASSED this _____ day of _____, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council