

1 **SECTION 1.(d)** Collection. – Every retailer subject to the tax levied under this
2 section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall
3 be collected as part of the charge for furnishing prepared food and beverages. The tax shall be
4 stated separately on the sales document and shall be paid by the purchaser to the retailer as
5 trustee for and on account of the city. The tax shall be added to the sales price and shall be
6 passed on to the purchaser instead of being borne by the retailer. The entity collecting the tax
7 shall design, print, and furnish to all appropriate businesses and persons in the city the
8 necessary forms for filing returns and instructions to ensure the full collection of the tax.

9 **SECTION 1.(e)** Administration. – The City of Brevard may enter into an
10 agreement with Transylvania County for the administration and collection of the tax levied
11 under this section. In the absence of an agreement, the city shall administer the tax levied under
12 this section. A tax levied under this section is due and payable to the local administering
13 authority as agent for the taxing entity in monthly installments on or before the 20th day of the
14 month following the month in which the tax accrues. Every retailer liable for the tax shall, on
15 or before the 20th day of each month, prepare and render a return on a form prescribed by the
16 city or, at the city's direction, the entity administering and collecting the tax. The return shall
17 show the total gross receipts derived in the preceding month from sales to which the tax
18 applies.

19 A return filed under this section is not a public record and may not be disclosed
20 except in accordance with G.S. 160A-208.1.

21 The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes
22 apply to this section to the extent they are not inconsistent with the provisions of this section.
23 The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this
24 section.

25 **SECTION 1.(f)** Refunds. – The entity administering the tax shall refund to a
26 nonprofit or governmental entity the prepared food and beverages tax paid by the entity on
27 eligible purchases of prepared food and beverages. A nonprofit or governmental entity's
28 purchase of prepared food and beverages is eligible for a refund under this subsection if the
29 entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on
30 the purchase or if the sale is exempt under G.S. 105-164.13. The time limitations, application
31 requirements, penalties, and restrictions provided in G.S. 105-164.14(b), (d), and (d1) apply to
32 refunds to nonprofit entities; the time, limitations, application requirements, penalties, and
33 restrictions provided in G.S. 105-164.14(c), (d), and (d1) apply to refunds to governmental
34 entities. When an entity applies for a refund of the prepared food and beverages tax paid by it
35 on purchases, it shall attach to its application a copy of the application submitted to the
36 Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the
37 same purchases or a written statement that the purchases were exempt from the tax. An
38 applicant for a refund under this subsection shall provide any information required by the entity
39 administering the tax to substantiate the claim.

40 **SECTION 1.(g)** Use of Proceeds. – The proceeds of a tax levied under this section
41 shall be used as provided in this subsection. The entity administering and collecting the tax may
42 deduct from the gross proceeds of the taxes collected under this act an amount not to exceed
43 three percent (3%) of the gross proceeds to pay for the direct cost of administering and
44 collecting the taxes. The remaining proceeds shall be used to construct and improve public
45 infrastructure and facilities, including projects located in or related to the historic downtown,
46 recreation-based infrastructure and facilities, and gateway opportunities that exist, such as
47 Pisgah National Forest or Brevard Music Center.

48 **SECTION 1.(h)** Effective Date of Levy. – A tax levied under this section shall
49 become effective on the date specified in the resolution levying the tax. The date shall be the
50 first day of a calendar month and may not be before the first day of the fourth month after the
51 date the resolution is adopted.

1 **SECTION 1.(i)** Repeal. – A tax levied under this section may be repealed or
2 reduced by a resolution adopted by the Brevard City Council. Any repeal or reduction shall
3 become effective on the first day of a month and may not become effective until the end of the
4 fiscal year in which the repeal resolution is adopted. Repeal or reduction of a tax levied under
5 this section does not affect a liability for a tax that attached before the effective date of the
6 repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the
7 effective date of the repeal or reduction.

8 **SECTION 2.** This act is effective when it becomes law.