Farm Winery and Winery Quick-guide

Where to start

All farm wineries need a few things to get started. Please follow the checklist below.

- **Federal EIN or SSN**
  Your Federal EIN (if issued) or Social Security number.

- **Copy of certificate of use**
  A zoning clearance is required of all businesses. If you work out of your residence, you must obtain a home occupation permit. Please contact the Community Development Department (434-296-5832) to obtain a certificate of use.

- **Copy of trade name registration**
  If your business trade name is different from the legal name, the trade names must be registered with the Clerk of the Circuit Court.

- **Copy of registration from State Corporation Commission**
  General partnership, limited partnership, corporation, business trust, or limited liability companies conducting business in Virginia must register with the Virginia State Corporation Commission.

- **Know your business entity type**
  Individual, Partnership, Corporation or other (LLC, LLP).

- **Complete a Business License Application**, which can be obtained from the Finance Department – Assessments division or downloaded from [www.albemarle.org/finance](http://www.albemarle.org/finance).

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**USE THIS GUIDE TO DETERMINE WHAT IS AND ISN'T TAXABLE WHEN COMPLETING YOUR BUSINESS LICENSE APPLICATION AND BUSINESS TANGIBLE PERSONAL PROPERTY RETURNS.**

<table>
<thead>
<tr>
<th>Tax Type</th>
<th>Farm Wineries</th>
<th>Wineries</th>
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<tbody>
<tr>
<td><strong>Non-Taxable</strong></td>
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<tr>
<td>“Farm winery” means an establishment located on a farm in the Commonwealth on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling on the premises where the owner or lessee manufactures a product that may include, but not limited to wine, cider, sake or mead that contains not more than 21 percent alcohol by volume.</td>
<td>“Winery” means an establishment located in the Commonwealth on land zoned agricultural with agreements for purchasing grapes or other fruits from agricultural growers, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures a product that may include but is not limited to wine, cider, sake, or mead that contains not more than 21 percent alcohol by volume.</td>
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<td><strong>Taxable</strong></td>
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<td>Gross receipts from the sale of a winery's farm products which are grown or produced by the winery and offered for sale by the winery.</td>
<td>Gross receipts from sale of products, wine or not, that are not grown or manufactured at the farm.</td>
<td>Gross receipts from a winery that manufactures its product from grapes, fruit juices, or other agricultural products that are grown or produced outside the farm by other agricultural growers, then sold at wholesale at the winery.</td>
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<td>Gross receipts from a winery that manufactures its farm products then sold at wholesale at the winery.</td>
<td>Gross receipts from the operation of separate lines of business activities such as, but not limited to, special activities, receptions and other social functions (e.g. event rental, wedding services, where a fee is charged), restaurants, and lodging facilities.</td>
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**FEE**

- A winery holding a ‘Farm Winery License’ from the state ABC Board, is Exempt from the Albemarle Flat Fee License
- A winery holding a ‘Winery License’ from the state ABC Board, pays an Albemarle Flat Fee Licence of $50

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<th>Equipment</th>
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<td><strong>Non-Taxable</strong></td>
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<td>Farm machinery used in the growing and harvesting process at the winery.</td>
<td>Furniture and fixtures used in manufacturing (included, but not limited to, office and computer equipment used in a corporate headquarters) of the farm winery.</td>
<td>Machinery and tools utilized in the manufacturing process at the winery location, including computers used as a part of the manufacturing process.</td>
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Local zoning regulations are independent of local taxation laws. While a zoning permit may allow a farm winery or winery to conduct multiple lines of businesses with one permit, business tax regulations require a separate business license for each line of business, even if all lines of businesses are operating at the same location.

- New businesses must file business licenses within 30 days of the start of business
- Existing businesses must renew their business license every year by March 1st
Business Tangible Personal Property and Machinery & Tools Tax + other requirements

- Farm wineries and wineries may need to file a Business Tangible Personal Property and Machinery & Tools tax return.
- All property used or available for use in your business as of January 1 must be reported when applicable. Please refer to the guide on the front to determine if you must file and for guidance when creating your itemized list of taxable business property.

Business tangible personal property and machinery & tools returns must be filed every year by May 1st.

- IF your business offers short term lodging (less than 30 days) you must collect Transient Occupancy tax. This tax is remitted to Albemarle County monthly.
- IF your business sells prepared food and beverages, you must collect Food and Beverage tax. This is remitted to Albemarle County monthly.
- All retail sales are subject to Sales tax.

Contact us

Need help with anything? The Albemarle County Department of Finance is here to help. There are several ways to reach out to us.

- By E-mail at albemarlecountyfinance@albemarle.org
- By Phone at 434-296-5851, Option #3
- In person or by mail at the Albemarle County Office Building; Revenue Administration Division – Assessments, 401 McIntire Road, Room 133, Charlottesville VA 22901.