

ORDINANCE NO. 2014 - 01
MOTOR VEHICLE AND TRAILER LICENSE OF WYTHE COUNTY, VIRGINIA

WHEREAS, after a public hearing, duly advertised, the Board of Supervisors of Wythe County has determined that Ordinance No. 2012-6, Motor Vehicle and Trailer License Ordinance of Wythe County Virginia should be REPEALED AND READOPTED, to provide exemptions to the motor vehicle license fee and to comply with State Law.

THEREFORE, BE IT ORDAINED THAT ORDINANCE NUMBER 2012-6 OF WYTHE COUNTY BE, AND IT IS HEREBY REPEALED, AND THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

SECTION 1—Title, Authority, and Jurisdiction

1.1 Title

This Ordinance shall hereinafter be known as and may be cited as the “Motor Vehicle and Trailer License Ordinance of Wythe County, Virginia,” Ordinance Number 2014-1.

1.2 Authority

It is adopted pursuant to Section 46.2-752, *et seq.* of the *Code of Virginia* of 1950, as amended.

1.3 Jurisdiction

The provisions of this Ordinance shall apply to all motor vehicles, trailers, semi-trailers, motorcycles, and other similar vehicles normally garaged, stored, or parked in Wythe County which is not within the jurisdiction of the incorporated municipalities.

SECTION 2—Purpose

This ordinance is adopted for the purpose of providing the necessary regulation for levying of license taxes and fees on motor vehicles, trailers, semi-trailers, motorcycles, and other similar vehicles and to prescribe penalties for the violations of same.

SECTION 3—Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in §46.2-100 of the Code of Virginia, 1950, as amended:

Motor Vehicle
Motorcycle
Semitrailer

Tractor truck
Trailer
Vehicle

SECTION 4—License Fee

There shall be levied and assessed a license tax and fee (“license fee”) on every registered and licensed motor vehicle, trailer, semi-trailer, tractor truck, motorcycle, and other similar vehicles (“vehicle”), normally garaged, stored, or parked in Wythe County, Virginia (the “County”). It shall be presumed that any person who has acquired a valid current state license plate and/or registration for any vehicle normally garaged, stored, or parked in the county, or who lists upon the records of the Virginia Department of Motor Vehicles that such vehicle is kept within the county is subject to the county license fee and that any person residing in, or having his place of business within the county, and owning vehicles that such vehicles are subject to the county vehicle license fee. If it cannot be determined where the vehicle is normally garaged, stored, or parked, then the situs for the county vehicle license fee imposed by the county shall be the domicile of the owner of the vehicle. If the owner of the vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided that the student has presented sufficient evidence that he has paid personal property taxes on the vehicle in his domicile. Nothing herein shall be construed to require a county vehicle license fee of a person exempt from the payment of a license fee under the applicable provisions of state law. Nothing herein shall impose the county license fee on any vehicle normally garaged, stored, or parked within the corporate limits of any town within the county, provided such town imposes a license fee upon such motor vehicles equal or greater than the license fee imposed by the county. Should such a town impose a license fee less than the county, upon proof of payment of the same to the town, the owner shall receive a credit on the county license fee for the license fee paid to the town and pay the difference to the county.

SECTION 5—Persons moving into the county

Each person who moves into the county from another county or town shall comply with the requirements imposed for the payment of the county vehicle license fee, within ten (10) days of locating within the county, provided however, that no county vehicle license fee need be paid by those persons having paid a license fee and/or purchased a local vehicle license, decal, or sticker for a vehicle in such county or town until the expiration of such license, decal, or sticker issued by the county or town from which he moved. Upon such expiration date the owner of any vehicle shall notify the Commissioner of the Revenue of such change and, if required, pay the applicable county vehicle license fee imposed on such vehicle(s).

SECTION 6—License fee year; when payable; assessment

The license fee year shall commence on January 1 of each year and shall end on December 31 of each year beginning on January 1, 2014. The fee is due and payable on or before December 5 of the preceding year. The County Commissioner of the Revenue shall assess the county vehicle license fee as such vehicles are registered upon the records of the

Virginia Division of Motor Vehicles and/or based upon information obtained by the Commissioner, and the Treasurer shall bill the owner of the vehicle at the time personal property tax bills are sent. Any owner of any vehicle subject to the county license fee who acquires or disposes of any vehicle or otherwise causes a vehicle to be subject to or exempt from the county vehicle license fee at any time during any year shall, within ten (10) days of such change, notify the County Commissioner of the Revenue of such change and, if required, pay the applicable county vehicle license fee imposed on such vehicle(s).

SECTION 7—Amount of License Fee

Subject to the provisions of this Ordinance, there shall be assessed an annual county vehicle license fee upon each and every registered automobile, passenger vehicle, bus, motorcycle, motor scooter, motor bike, truck, semi-trailer, ambulance and other similar vehicles an amount that is set annually as part of the Fiscal Year budget process and the license fee shall be part of the budget advertisement and Public Hearing for each Fiscal Year. The fee(s) for Calendar Year 2014 are twenty dollars (\$20.00) for each and every automobile, passenger vehicle, and bus; upon each and every registered trailer, motorcycle, motor scooter, or motor bike the fee of ten dollars (\$10.00) for Calendar Year 2014; upon each and every truck, semi-trailer, ambulance and other similar vehicles a fee of twenty dollars (\$20.00) for Calendar Year 2014. The amount of the license tax shall not exceed the amount imposed by the Commonwealth of Virginia on vehicles of like class, but provided further, that in no event shall the license fee exceed the amount imposed by the Commonwealth of Virginia when combined with any license fee paid to the Town of Wytheville or Rural Retreat. No county license fee herein imposed shall be imposed on antique motor vehicles for which antique license plates have been issued by the Virginia Division of Motor Vehicles pursuant to the provisions of *Code* § 46.2-730. No county license fee herein imposed shall exceed the amount permitted by the applicable provisions of state law.

There shall be no prorating of the county license fee provided, however, that should the current year fee be assessed on a vehicle which is sold or traded within that year to obtain a replacement vehicle, no additional fee shall be due on the replacement vehicle for that tax year but the one fee shall be paid.

SECTION 8—Payment of personal property tax

No vehicle shall be licensed until all personal property taxes upon the vehicle and all delinquent personal property taxes on any vehicle owned by the owner of such vehicle which has been property assessed or are assessable against the owner by the county have been paid and no vehicle shall be licensed until the tangible personal property taxes properly assessed or assessable by the county on any tangible personal property used or useable as a dwelling titled by the Division of Motor Vehicles and owned by the taxpayer have been paid.

SECTION 9—Exemptions

A. The county annual license fee shall not be applicable to any vehicle owned or leased by any volunteer rescue squad or volunteer fire department and one vehicle owned by either an active volunteer rescue squad member or an active volunteer fire department member, provided that the Chief or authorized member of the volunteer rescue squad and the Chief or other authorized member of the volunteer fire department shall certify to the County Commissioner of the Revenue, the County Treasurer and the Board of Supervisors a list of all vehicles owned by such entities and a list of all active members on or before May 1 of each year. The county annual license fee shall not be applicable on one vehicle owned or leased and used personally by any veteran who either holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Division of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed pursuant to § 46.2-739 or holds a current state motor vehicle registration card establishing that he has received a prisoner of war veteran's exemption from the Division of Motor Vehicles ("DMV") and has been issued a former prisoner of war motor vehicle license plate as prescribed pursuant to § 46.2-746. The County License fee shall not be applicable to government owned vehicles.

B. Licensed and permitted businesses regularly engaged in business as an automobile dealer, salvage dealer, scrap processor, or recycler shall not be required to pay the license fees required under this ordinance for vehicles not used or operated upon the streets and highways within the county.

SECTION 10—Violation; penalties

Every person who violates any provision of this Ordinance shall be guilty of a Class 4 misdemeanor with a fine not to exceed \$100.00. Prepayment of fine, upon waiver of appearance and plea of guilty, shall not be accepted until a receipt from the County Treasurer is produced evidencing payment of the applicable county license fee.

SECTION 11—Agreement with department of motor vehicles

A. The Treasurer is authorized to enter into an agreement with the Commissioner of the Division of Motor Vehicles whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefore who owes Wythe County any local license fees issued to the residents of the County. Before being issued any vehicle registration, the applicant shall first satisfy DMV that all such local vehicle license fees have been paid in full.

B. The DMV and Treasurer shall charge a reasonable fee to cover costs of such enforcement action, and the Treasurer shall add the cost of this DMV fee to the delinquent tax bill.

C. The Treasurer shall notify DMV in the manner provided for in the agreement with DMV and supply to DMV information necessary to identify the debtor whose registration or renewal is to be denied.

Supervisor B. Gene Horney, Jr. made a motion to adopt this Ordinance. The motion was seconded by Supervisor Arthur "Artie" E. Hall and the roll call vote is as follows:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Joe F. Hale	X		
Arthur "Artie" E. Hall	X		
B.G. Horney, Jr.	X		
Gary M. Houseman	X		
Steven T. Willis	X		
Coy L. McRoberts	X		
Tim A. Reeves	X		

This Ordinance shall be effective on and after 12:01 am on the 23rd day of April 2014.

I certify that this is a true and correct copy taken from the April 22, 2014 minutes of the Wythe County Board of Supervisors meeting.



R. Cellel Dalton, Clerk