

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-10-09

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 13th day of July, 2009:

Present:	Vote:
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
W. R. Davis, Jr.	Aye

Motion was made by Mr. Burrell, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING
CHAPTER 70, ARTICLE II, VEHICLE LICENSE
AND APPENDIX A - FEES**

WHEREAS, The Code of Virginia, § 46.2-752 and 46.2-755 provide authority for New Kent to assess and collect vehicle license taxes and fees; and

WHEREAS, the Board of Supervisors wishes to eliminate the annual removal and application of decals while maintaining the revenue generated by the annual license fees; and

WHEREAS, the Board of Supervisors wishes to use a permanent decal to continue to control access to New Kent's refuse disposal sites; and

WHEREAS, the Sheriff wishes to maintain a decal system to continue to identify county vehicles for law enforcement purposes;

NOW THEREFORE BE IT ORDAINED this, the 13th day of July, 2009, by the New Kent County Board of Supervisors that Chapter 70, Article II of the New Kent County Code be amended by deleting the current Chapter 70, Article II, and inserting the text below in its place to be effective immediately:

“Chapter 70 – TRAFFIC AND VEHICLES

Article II. Vehicle License

Sec. 70-51. Purpose.

Sec. 70-52. Statutory authority.

Sec. 70-53. Definitions.

Sec. 70-54. Applicability of article provisions.

Sec. 70-55. Amount of annual license fee for classes of vehicles.

Sec. 70-56. Payment and billing of the annual license fee.

Sec. 70-57 Issuance and display of decals.

Sec. 70-58. Duplicate decal when original lost.

Sec. 70-59. Disposition of fees.

Sec. 70-60. Limitations.

Sec. 70-61. Collections.

Sec. 70-62. Transfer of license registration fees and refunds.

Sec. 70-63. Violations and penalties.

Sec. 70-64. Disbursement of fines.

Sec. 70-51 Purpose

This article imposes and levies an annual motor vehicle license registration fee to provide for the operation of the County government, payment of the County debt and other County purposes.

Sec. 70-52 Statutory authority

This article is adopted pursuant to the authority granted by §§ 46.2-752 and 46.2-755 of the Code of Virginia 1950, as amended.

Sec. 70-53 Definitions

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

County means New Kent County, Virginia.

Exempt means from the motor vehicle license registration fee according to the provisions of this article.

Person means every natural person, firm, partnership, association, or corporation.

Treasurer means the Treasurer of New Kent County or his/her authorized deputies or agents.

Sec. 70-54 Applicability of article provisions

The County will assess an annual license registration fee on every motor vehicle, including, but not limited to, automobiles and trucks located in the County pursuant to §

58.1-3511, Code of Virginia, except for the exemptions provided for in § 46.2-755, including:

- A) Vehicles used by a dealer or manufacturer for sales purposes.
- B) Vehicles used as common carriers of persons or property operated between cities or towns in this state, and not in intracity transportation, or between cities and towns on one hand and points and places outside the cities and towns on the other and not in intracity operations.
- C) Vehicles used by active members of each volunteer fire department or volunteer rescue squad of the County, and Sheriff's auxiliary deputies. A list of eligible persons verified by an officer of the organization shall be provided to the New Kent County Treasurer no later than September 1 of the year in which the fee is due in order for the person to qualify. The County will only waive the fee for one vehicle for each member.

Sec. 70-55 Amount of annual license fee for classes of vehicles

There shall be an annual license fee as provided in appendix A to this Code on each car, truck, motor home, passenger bus, pickup or panel truck, and trailer or semitrailer designed to provide living or sleeping quarters for human beings.

Sec. 70-56 Payment and billing of the annual license fee

The vehicle registration year begins on January 1 of each year. The County will assess the annual license registration fee on cars registered in New Kent County on that date. The annual fee is payable on December 5 of each year. New or used vehicles purchased during one calendar year will be assessed on January 1 of the year following purchase with the payment being due on December 5 of the year following the purchase. The County will collect the fee as taxes are collected.

Sec. 70-57 Issuance and display of decal

The County will issue a permanent decal to all persons owning, leasing, or having control of a motorized vehicle with the exception of motorized recreational vehicles and motorcycles. The decal will remain valid as long as the person owns the motorized vehicle. On passenger vehicles, the owner shall affix the decal to the windshield to the right of the inspection sticker issued by the state when looking through the windshield from the inside of the vehicle. The County will not issue a decal to residents for motorized recreational vehicles, motorcycles, trailers or other non-motorized equipment. The County will issue a decal without charge to any resident who purchases a new or used motorized vehicle during the calendar year.

Sec. 70-58 Duplicate decal when original lost

The County will issue a duplicate decal upon receiving a piece of the damaged decal or an affidavit from the resident stating that the original decal was lost, stolen, damaged, or destroyed .

Sec. 70-59 Disposition of fees

The County shall apply all revenue derived from all motor vehicle license registration fees to general County purposes.

Sec. 70-60 Limitations

This article is subject to the limitations on the imposition of such license registration fees by the County as are set forth in §§ 46.2-663, 46.2-753, 46.2-755 of the Code of Virginia, as amended.

Sec. 70-61 Collections

The Treasurer will, after the due date for any license registration fee required under this article, collect the license registration fee in accordance with the provisions of § 58.1-3919 of the Code of Virginia and any other applicable state law. Additionally, the Treasurer has the authority to take any action authorized by § 46.2-752 of the Code of Virginia.

Sec. 70-62 Transfer of license registration fees and refunds

It is unlawful for any person to whom the County issues a decal to give, loan, rent, sell, assign or transfer such decal to another or otherwise permit another to use in any manner such license decal. Any person violating this provision shall be guilty of a Class 4 misdemeanor as defined in § 18.2-11 of the Virginia Code. The County will not refund any of the license registration fee assessed for vehicles sold or otherwise disposed of during the fee year.

Sec. 70-63 Violations and penalties

Any person violating any provisions of this article shall be guilty of a Class 4 misdemeanor as defined in § 18.2 of the Virginia Code, and trial of all violations of this article shall be enforced by proceeding before the General District Court of New Kent County, Virginia, or the Juvenile and Domestic Relations District Court of New Kent County, Virginia, in the manner and with like right of appeal as provided in misdemeanor cases. The Sheriff and all deputies and police officers of New Kent County and the Commonwealth of Virginia, including those officers charged with enforcing the games and inland fisheries laws, are hereby authorized to issue summons in writing to violators of this article for appearance before said Court. A violation of this article shall not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license registration fee has been paid.

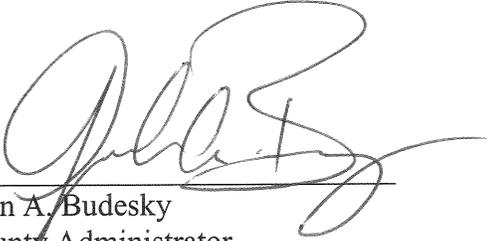
Sec. 70-64 Disbursement of fines

All fines collected from any person for violating any provision of this article, upon conviction thereof, shall be credited to the general fund of the County and deposited by the Treasurer in the same manner as that prescribed for other County moneys.

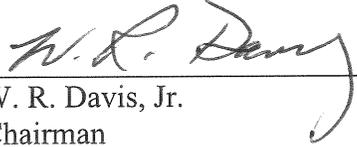
BE IT FURTHER ORDAINED by the New Kent County Board of Supervisors that the current Appendix A - Fees be amended as follows:

MOTOR VEHICLES

Item	Base Fee
Annual license <u>registration</u> fee for motor vehicle	\$25.00
Annual license <u>registration</u> fee for Virginia National Guard is one-half of applicable tax registration fee	12.50
Annual license <u>registration</u> fee for volunteer firefighters, rescue squad and auxiliary deputies is waived	0.00
Annual license <u>registration</u> fee for tractor and trailer, each	15.00
Annual license <u>registration</u> fee for trailer	15.00
Annual license <u>registration</u> fee for motorcycle	15.00
Annual license <u>registration</u> fee for two-wheeled trailer	6.50
Annual license <u>registration</u> fee for farm vehicle	15.00
Annual license tax for out-of-state vehicle housed in the county	100.00
Transfer of vehicle license decal	2.00
Duplicate vehicle license fee	2.00



John A. Budesky
County Administrator



W. R. Davis, Jr.
Chairman