

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

O-31-05

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the County Administration Building in New Kent, Virginia, on the 12th day of December, 2005:

Present	Vote
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
W. R. Davis, Jr.	Aye

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

**AN ORDINANCE AMENDING THE CODE OF THE
COUNTY OF NEW KENT TO PROVIDE FOR THE
IMPLEMENTATION OF THE 2004-2005 CHANGES
TO THE PERSONAL PROPERTY TAX RELIEF
ACT OF 1998 – SPECIFIC RELIEF**

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session 1 (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS these legislative enactments require that New Kent County (the “County”) take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles, and provide the opportunity for the County to fashion a program of tax relief that serves the best interests of its citizenry;

NOW THEREFORE BE IT ORDAINED by the New Kent County Board of Supervisors (the "Board") that *The Code of the County of New Kent* (County Code) be amended by adding to Chapter 66, Taxation; Article II, Property Taxes, the following new Division:

DIVISION 1.2 PERSONAL PROPERTY TAX RELIEF FOR PERSONAL USE VEHICLES

Sec. 66-38 Purpose; Definitions; Relation to Other Sections.

(a) The purpose of this Division is to provide for the implementation of the changes to Personal Property Tax Relief Act of 1998, *Code of Virginia* Sections 58.1-3523 *et seq.* ("PPTRA") effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County Code, this Ordinance shall control.

Sec. 66-39 Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The Board shall as part of the annual budget adopted pursuant to Chapter 25 of Title 15.2 of the Code of Virginia, set the rate of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

Sec. 66-40 Allocation of Relief among Taxpayers.

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief.

(b) Relief with respect to qualifying vehicles shall be provided at a rate, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The rate shall be established annually as a part of the adopted budget for the County. [NOTE: This provides for a single rate of relief applicable to the first \$20,000 of vehicle value.]

Sec. 66-41 Transitional Provisions.

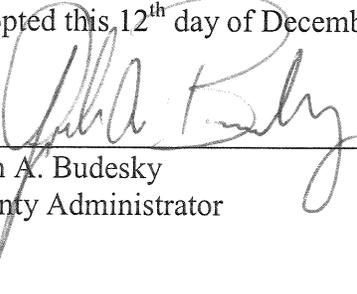
(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Section 66-32 of the County Code from the original due date of the tax.

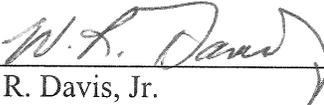
BE IT FURTHER ORDAINED, that the aforesaid Ordinance entitled "An Ordinance to Provide for the Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998 – Specific Relief" be codified in the County Code.

This amendment shall become effective January 1, 2006.

Adopted this 12th day of December, 2005:



John A. Budesky
County Administrator



W. R. Davis, Jr.
Chairman