

7-801

Adopted: 11-4-10

ORDINANCE NO. BG Ord. 11-01-10

ORDINANCE NO. BG ORD. 11-01-10 AMENDS THE BOWLING GREEN TOWN CODE BY DELETING ARTICLE IV, "MOTOR VEHICLES AND TRAFFIC," DIVISION 4, "VEHICLE LICENSE TAX," IN CHAPTER 4, "NUISANCES AND OFFENSES," AND ADDING ARTICLE VIII, "VEHICLE LICENSE," TO CHAPTER 7, "TAXATION," SEC. 7-801, "LICENSE REQUIRED; EXCEPTIONS," SEC. 7-802, "LICENSE YEAR," SEC. 7-803, "APPLICATION FOR LICENSE; AMOUNT OF TAX-MOTOR VEHICLES; MOTORCYCLES," SEC. 7-804, "PAYMENT OF PERSONAL PROPERTY PREREQUISITE TO ISSUANCE," SEC. 7-805, "TRANSFER/DUPLICATE OF A PERMANENT LICENSE," SEC. 7-806, "LIMITATIONS," SEC. 7-807, "COLLECTION," SEC. 7-808, "FAILURE TO OBTAIN, DISPLAY, OR UNLAWFUL TRANSFER OF REQUIRED PERMANENT VEHICLE LICENSE DECAL," SEC. 7-809, "VIOLATIONS AND PENALTY FOR VIOLATIONS OF PERMANENT LICENSE DECAL STATUTES," SEC. 7-810, "DISPOSITION OF TAXES AND FEES," SEC. 7-811, "TAXATION IN MORE THAN ONE JURISDICTION."

ORDINANCE NO. BG ORD. 11-01-10 REDUCES THE NUMBER OF MOTOR VEHICLE CLASSIFICATIONS TO TWO AND CREATES A PERMANENT DECAL WITH AN ANNUAL TAX OF \$ 25.00 FOR ALL MOTOR VEHICLES AND \$ 18 FOR MOTORCYCLES AND SIMILAR TWO-WHEEL VEHICLES. CURRENTLY, THE TOWN OF BOWLING GREEN REQUIRES A NEW DECAL ANNUALLY; THE FEE VARIES DEPENDING UPON THE TYPE OF VEHICLE; CURRENTLY DECAL FEES RANGE FROM \$ 28 TO \$10 – MOST MOTOR VEHICLES CURRENTLY PAY A FEE OF \$ 23. ORDINANCE NO. BG ORD. 11-01-10 IS CONSIDERED PURSUANT TO THE GRANTS OF AUTHORITY CONTAINED IN VA CODE §§ 46.2-752 AND 46.2-755.

BE IT ORDAINED BY THE BOWLING GREEN TOWN COUNCIL that the Bowling Green Town Code be amended by deleting Article IV, "Motor Vehicles and Traffic," Division 4, "Vehicle License Tax," in its entirety from Chapter 4, "Nuisances and Offenses" and by adding Article VIII, "Vehicle License" to Chapter 7, "Taxation," to read in its entirety as follows:

"ARTICLE VIII. VEHICLE LICENSE

Sec. 7-801. License Required; exceptions.

(a) Every motor vehicle, including, but not limited to, automobiles and trucks having a situs

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pursuant to Va. Code section 58.1-3511, as amended, which is normally garaged, stored or parked within the town and operated upon the streets, highways or roads within the town, for business purposes or for the private use and benefit of the owner thereof, shall be licensed in the name of the owner in accordance with the provisions of this article.

(b) It shall be unlawful for any person to drive or operate such a vehicle on the streets, highways, or roads within the town, unless such vehicle is so licensed as evidenced by a permanent town decal.

(c) This section shall not apply to farm vehicles as defined in Va. Code section 46.2-698, as amended, nor to any other type of vehicle which is exempt from state or local registration and licensing pursuant to state law.

(d) This section shall not apply to any motor vehicle when:

1. The motor vehicle is owned and used personally by a disabled veteran and such vehicle bears special license plates issued in accordance with Va. Code section 46.2-739, as amended.
2. The motor vehicle is owned by a person who has been a prisoner of war and such vehicle bears special license plates issued in accordance with Va. Code section 46.2-746, as amended.
3. The motor vehicle is owned by a person who has been awarded the Medal of Honor and such vehicle bears special license plates issued in accordance with Va. Code section 46.2-745, as amended.

(e) The following exceptions shall also apply:

1. The motor vehicle is owned by any member of a volunteer fire department or volunteer rescue squad organized to serve the residents of the Town of Bowling Green who holds a valid driver's license, who presents satisfactory evidence of meeting the active status requirement for the respective department or squad of which he or she is a member, who, on January 1 of the year the application for the exemption is requested, was 18 years of age and had one full calendar year of active service with a department or squad organized in the Town of Bowling Green, whose vehicle is registered in the member's name or is leased by the member and is the primary vehicle used by the member in response to emergency calls, and who is not delinquent in taxes due to the Town of Bowling Green, subject to the following provision that no member shall be issued more than one motor vehicle license free of charge.
2. The motor vehicle is owned by a former member of a volunteer fire department or volunteer rescue squad organized to serve the residents of the Town of Bowling Green who presents satisfactory evidence of having had 10 years of active service with a department or squad organized to serve the residents of the Town of Bowling Green, who

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holds a valid driver's license, whose vehicle is registered in the member's name or is leased by the member, and who is not delinquent in taxes due to the Town of Bowling Green, subject to the following provision that no member shall be issued more than one decal free of charge.

3. The motor vehicle is owned or leased by any active deputy sheriff, salaried firefighter, or salaried emergency medical technician employed by Caroline County or the County Sheriff who also holds a valid driver's license and, on January 1 of the year the application for the exemption is requested, had one full calendar year of active service with the County, whose vehicle is registered in the member's name or is leased by the member, and who is not delinquent in taxes due to the Town of Bowling Green, subject to the limitation that no such deputy sheriff, firefighter or emergency medical technician shall be issued more than one motor vehicle license free of charge.

It shall be the responsibility of the Sheriff and Fire-EMS Chief to provide a list of deputies and career and volunteer fire and rescue personnel eligible for a permanent license/registration waiver to the Treasurer's Office by February 1 of each year. Appropriate vehicle related information must also be provided.

4. Antique vehicles not subject to renewal by the Virginia Department of Motor Vehicles.
5. The annual license tax for vehicles bearing Virginia National Guard license plates issued pursuant to Virginia Code section 46.2-744, as amended, shall be one-half the tax prescribed below.

Sec. 7-802. License Year.

- (a) For 2011, a permanent license shall be issued by the Bowling Green Treasurer under this article and shall commence on the first day of April 2011. Such license shall be valid as long as the vehicle is garaged in the town and owned by the licensee.
- (b) For 2012 and beyond the motor vehicle permanent license/registration tax shall commence on January 1 of each year.

Sec. 7-803. Application for License; Amount of Tax-Motor Vehicles; Motorcycles.

- (A) The owner of a motor vehicle for which a permanent license is required shall make application to the Treasurer of the Town of Bowling Green on a form to be prescribed by him or her and approved by the Town Council. The applicant shall submit with such application satisfactory evidence that all personal property taxes upon the motor vehicle to be licensed have been paid.
- (B) For 2012 and beyond, the owner of a motor vehicle for which a permanent license has been issued shall be assessed an annual license/registration tax by the Treasurer. Purchasers of new or used vehicles for which a permanent license has not been obtained within 10 days from purchase shall be billed for such tax on a supplemental bill for such vehicle as may be required.
- (C) Effective January 1, 2011, the cost of the permanent license/registration tax required by

this article shall be twenty-five dollars (\$ 25) for motorized vehicles with four or more wheels, and eighteen dollars (\$ 18) for motorcycles and similar two-wheel vehicles. The permanent license/registration tax shall be paid to the Bowling Green Town Treasurer. Upon payment of the tax and compliance with the other provisions of this article, the Town Treasurer shall issue to the applicant a decal for the vehicle for which the tax was paid.

Sec. 7-804. Payment of Personal Property Prerequisite to Issuance.

No motor vehicle shall be licensed by the town unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle to be licensed have been paid and satisfactory evidence that any delinquent personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the town, in accordance with Va. Code section 46.2-752, as amended.

Sec. 7-805. Transfer/Duplicate of a Permanent License

- (a) Upon application to the Treasurer and proof of purchase by a person to whom a permanent license has been issued, such decal may be transferred from the vehicle for which originally issued to a replacement vehicle in the name of such owner.
- (b) Upon application to the Treasurer by a person to whom a permanent license has been issued a duplicate may be issued, with proof of damage to original license and satisfactory evidence that all prior year personal property taxes requiring a vehicle license have been paid.
- (c) Upon affidavit of the applicant to the Treasurer that the decal, issued as provided in this article, has been lost, a duplicate decal shall be issued upon payment of three dollars (\$ 3.00) and compliance with all requirements of this article.
- (d) The cost of a transferred permanent license or a duplicate permanent license shall be three dollars (\$ 3.00).
- (e) There shall be no refund of the permanent license/registration tax imposed herein for vehicles sold or otherwise disposed of during the tax year.

Sec. 7-806. Limitations.

This article is subject to the limitations on the imposition of such permanent license/registration taxes by the town as are set forth in Va. Code sections 46.2-663, 46.2-683, 46.2-750, 46.2-752 and 46.2-755, as amended.

Sec. 7-807. Collection.

The Treasurer shall, after the due date for any license registration fee required under this section, collect such license/registration tax in accordance with the provisions of Va. Code section 58.1-

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3919, as amended, and any other applicable state law. Additionally, the Treasurer shall have the authority to take any action authorized by Va. Code section 46.2-752, as amended.

Sec. 7-808. Failure to Obtain, Display, or Unlawful Transfer of Required Permanent Vehicle License Decal

(a): Failure to display decal:

It shall be unlawful for any person coming under the provisions of this article to fail to obtain and display the required permanent license decal. Such failure to display shall be a violation of this article even though the license tax may have been paid.

(b): Display of decal:

Permanent license decals shall be displayed as follows:

- 1) Motorized vehicles with four or more wheels - For such vehicles, the license decal shall be affixed to the windshield of the vehicle in such manner and at such location as prescribed in regulations promulgated by the Superintendent of the State Police pursuant to Va. Code section 46.2-1052, as amended.
- 2) Motorcycles or similar motorized vehicles with two wheels - For such vehicles, the license decal shall be affixed to the left front fork of side of such motorcycle so that it is clearly visible.

(c): Transfer or Permitting use of decal by another:

It shall be unlawful for any person to whom a permanent license decal is issued to give, loan, rent, sell, assign, or transfer such decal to another or to otherwise permit another to use in any manner such decal.

(d): Grace period for payment of tax by persons purchasing vehicle:

Purchasers of a new or used motor vehicle shall be allowed a ten (10) day period, beginning with the date of purchase, during which to pay license taxes charged by the Town of Bowling Green.

Sec. 7-809. Violations and Penalty for Violations of Permanent License Decal Statutes

(a): Violations of the requirements of this article shall be punished as a Class 4 misdemeanor as provided in Va. Code section 18.2-11, as amended. A violation of section 7-801 may not be discharged by payment of the fine except upon presentation of satisfactory evidence that the

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required permanent license decal has been obtained. Each day upon which a violation of this article continues shall be treated as a separate offense to be punished as a separate offense.

(b): All fines shall be recoverable before a court of competent jurisdiction upon a summons issued by the sheriff or any sworn deputy of the sheriff.

Sec. 7-810. Disposition of Taxes and Fees.

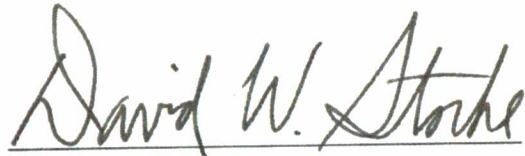
The revenue derived from all town motor vehicle permanent license/registration taxes shall be applied to general town purposes.

Sec. 7-811. Taxation in More Than One Jurisdiction.

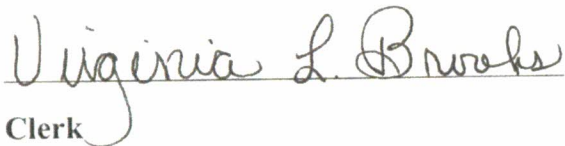
No vehicle shall be subject to taxation under this article in more than one jurisdiction.”

Vote: Aye: McDearmon, Wright, Satterwhite, Webb, Lanford, Davis and Coleman.

Adopted this 4th day of November, 2010.

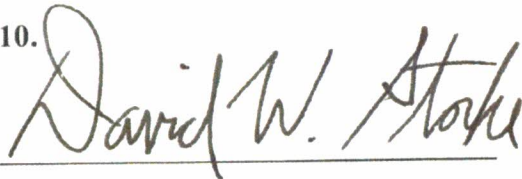


Mayor



Clerk

Approved this 4th day of November, 2010.



Mayor

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