

ADOPTED

DEC 12 2006

ORDINANCE NO. 66A-56

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, STOPPING, STANDING, AND PARKING, SECTION 13-40.4, PARKING WITHOUT A VALID LICENSE PLATE DECAL OR MOTOR VEHICLE DECAL; AND SECTION 13-40.5, ISSUANCE OF CITATION; AMOUNT AND PRE-PAYMENT OF FINES; PROTEST; BY DELETING ARTICLE IV, VEHICLE DECALS, SECTION 13-53, DECAL REQUIRED; SECTION 13-54, EXEMPTIONS; SECTION 13-55, DECAL PERIOD; SECTION 13-56, DECAL PROCUREMENT; SECTION 13-57, MOTOR VEHICLE RETURNS; SECTION 13-58, PAYMENT OF PERSONAL PROPERTY TAXES PREREQUISITE TO ISSUANCE OF DECAL; SECTION 13-59, APPLICATION; WHEN DECAL AVAILABLE FOR SALE; SECTION 13-60, PAYMENT OF FEE AND ISSUANCE OF DECAL GENERALLY; SECTION 13-61, REQUIRED DISPLAY OF DECAL; SECTION 13-62, PRESUMPTION ARISING FROM ABSENCE OF COUNTY DECAL; SECTION 13-63, DISPLAY OF EXPIRED DECAL; SECTION 13-64, DUPLICATE OR SUBSTITUTE DECALS; SECTION 13-65, TRANSFER OF DECAL TO ANOTHER VEHICLE; SECTION 13-66, REMOVAL OF DECAL UPON SALE OF VEHICLE; AND SECTION 13-67, VIOLATIONS AND PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-40.4, Parking without a valid license plate decal; Section 13-40.5, Issuance of citation; amount and pre-payment of fines; protest; by deleting Article IV, Vehicle Decals.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing, and Parking

Section 13-40.4. Parking without a valid license plate decal ~~or motor vehicle decal.~~

(a) It shall be unlawful for any owner of a vehicle required to have a license plate decal to park his or her vehicle (including motorcycles, motor-bikes and minibikes), trailer or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license plate decal which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer or semitrailer.

~~(b) It shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer required to have a county motor vehicle decal pursuant to section 13-53 to park his or her motor vehicle, trailer, or semitrailer on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid county motor vehicle decal attached thereto.~~

~~(c) It shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer from another locality to park his or her motor vehicle, trailer, or semitrailer on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid local motor vehicle decal attached thereto, provided that the owner is required by a jurisdiction that is a party to a compact with James City County for the regional enforcement of local motor vehicle license requirements to obtain a local motor vehicle decal or local motor vehicle license.~~

Section 13-40.5. Issuance of citation; amount and pre-payment of fines; protest.

(a) Any law enforcement officer of James City County may issue a citation charging a person parking in violation of this article, or if such person is not known, then the registered owner of the motor vehicle parked in violation of this article. Such citations may be posted on the windshield or other conspicuous place of each vehicle found illegally parked.

(b) Except as otherwise noted in this article, violation of any provision of this article shall be a traffic infraction punishable by a fine according to the following schedule:

| Type of violation: | Fine paid within 5 days of violation: | Fine paid more than 5 days after violation: |
|---|---------------------------------------|---|
| Sec. 13-40.1 (handicapped parking) | \$100 | \$200 |
| Sec. 13-40.3 (fire lanes/near fire hydrants) | \$50 | \$100 |
| Sec. 13-40.4 (b) or (c) (no valid motor vehicle decal) | \$25 | \$50 |
| Other violations of this Article | \$10 | \$20 |

(c) Fines assessed pursuant to this article that are paid before the issuance of a summons pursuant to section 13-40.6 shall be collected and accounted for by the county treasurer.

(d) Every person charged with a violation of any provision of this Article or of any parking provision of this chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the county treasurer. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. All parking citations contested pursuant to this section shall be certified in writing, upon an appropriate form, to the clerk of the general district court for the county by the county treasurer. The clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the county treasurer, and the law enforcement officer who issued the citation. If the general district court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.

(e) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

Article IV. ~~Vehicle Decals~~

~~Section 13-53. Decal required.~~

~~(a) Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county shall procure a multi-year county motor vehicle decal.~~

~~In the event it cannot be determined where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the situs for the motor vehicle decal or license requirement shall be the domicile of the owner of such motor vehicle. For the purposes of this article, "motor vehicle, trailer and semitrailer" shall be defined in accordance with section 46.2-100 of the Code of Virginia.~~

~~(b) The following shall be the duty of persons taking residence in the county:~~

~~(1) A nonresident or nondomiciled owner of a motor vehicle, trailer or semitrailer shall, upon taking residence or becoming domiciled in the county, procure a county motor vehicle decal within 30 days.~~

~~(2) Owners moving to the county from elsewhere in the state where a local decal or license was required, who at the time of moving to the county had obtained a local decal or license from that jurisdiction for the current year, shall obtain a current county motor vehicle decal and display it in accordance with the provisions of this article. Upon proof of purchase of a current motor vehicle decal or license from such other jurisdiction, the office of the county treasurer shall provide those newly moving into the county, upon presentation of proof of registration with the commissioner of the revenue and payment of a \$10.00 registration fee, with a county motor vehicle decal. Upon expiration of the aforesaid local decal or license from another jurisdiction, and in all successive years in which the owner remains a resident of or domiciled in James City County, unless otherwise excepted, a current county motor vehicle decal shall be procured in accordance with the provisions of this article.~~

~~(c) Every purchaser of a new or used motor vehicle, trailer or semitrailer which will be normally garaged, stored or parked in the county shall have 30 days from the date of purchase to procure a county motor vehicle decal.~~

~~(d) It shall be unlawful for any owner or operator of a motor vehicle, trailer, semitrailer, or motorcycle who is required by law by another locality to obtain and display on the owner's or operator's motor vehicle, trailer, semitrailer, or motorcycle a valid decal issued by such locality to drive or park such motor vehicle, trailer, semitrailer, or motorcycle on any highway in the county unless a current decal from such other locality is displayed thereon. This subsection shall only be applicable if such other locality is a party to a compact with the county pursuant to § 46.2-752(K), Code of Virginia, as amended, for the regional enforcement of licensing requirements.~~

~~**State law reference** Authority of county to license motor vehicles, etc., and provisions relating thereto; Code of Va., §§ 46.2-752, 46.2-755.~~

~~Section 13-54. Exemptions.~~

~~(a) The county shall not require a county motor vehicle decal for any motor vehicle, trailer or semitrailer when:~~

~~(1) A similar tax or license fee is imposed by the county, city or town wherein such motor vehicle, trailer or semitrailer is normally garaged, stored or parked;~~

~~(2) The motor vehicle, trailer or semitrailer is owned by a nonresident of the county and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection;~~

~~(3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the county for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale;~~

~~(4) The motor vehicle, trailer or semitrailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the county and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;~~

~~(5) The motor vehicle, trailer or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;~~

~~(6) The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation;~~

~~(7) The motor vehicle, trailer or semitrailer is owned by a governmental agency and operated solely within such governmental agency's business.~~

~~(b) Upon payment of the \$10.00 registration fee, the county shall provide a motor vehicle decal for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of~~

~~Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in section 46.2-739 of the Code of Virginia.~~

~~(c) The county shall not require a county motor vehicle decal for any daily rental passenger car, the rental of which is subject to the tax imposed by section 58.1-2402(A)(4) of the Code of Virginia.~~

~~(d) Every nondomiciliary member of the armed forces residing in this county in compliance with military or naval orders shall be entitled to receive a county motor vehicle decal; provided, however, that all such military and naval personnel shall register the motor vehicle with the commissioner of the revenue and pay the \$10.00 registration fee.~~

~~**Section 13-55. Decal period.**~~

~~The multi-year decal period shall commence on January 1, 2003, and shall terminate on December 31, 2007, unless otherwise extended by the board of supervisors.~~

~~**Section 13-56. Decal procurement.**~~

~~On or before February fifteenth of 2003, unless subject to a 30-day grace period otherwise provided in this article, the owner of each motor vehicle, trailer or semitrailer required by this article to procure a county motor vehicle decal shall procure such decal from the county treasurer.~~

~~**Section 13-57. Motor vehicle returns.**~~

~~(a) Notwithstanding the filing requirement set out in this article, the most recent personal property tax return filed prior to January 1, 1996, or any return filed thereafter shall be the basis for the assessment of a motor vehicle in all subsequent years in which the commissioner of the revenue has not been informed of a change in the address or name of the motor vehicle owner or of a change in the situs or ownership of the vehicle.~~

~~(b) Motor vehicle owners shall file a new personal property tax return on or before February 15 of any tax year for which there is:~~

~~(1) A change in the name or address of the person or persons owning the vehicle;~~

~~(2) A change in the situs of the vehicle; or~~

~~(3) Any other change affecting the personal property tax assessment of a vehicle for which a tax return was previously filed.~~

~~(c) All motor vehicle owners shall file a personal property tax return with the commissioner of the revenue whenever a personal property tax return has not been previously filed with the county.~~

~~**State law reference** Similar provisions, Code of Va. § 58.1-3518.1.~~

~~Section 13-58. Payment of personal property taxes prerequisite to issuance of decal.~~

~~No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall be issued a decal by the county unless and until the applicant for such decal shall have produced satisfactory evidence that all personal property taxes have been paid which have been properly assessed or are assessable against the applicant by the county.~~

~~Section 13-59. Application; when decal available for sale.~~

~~(a) Application for a motor vehicle registration shall be made at the office of the county commissioner of the revenue or at any other location designated by him, on forms provided for the name and address of the applicant and a description of the motor vehicle, trailer or semitrailer for which the decal is to be issued.~~

~~(b) An applicant registering a motor vehicle shall provide the commissioner of the revenue the original or an accurate copy of the permanent Virginia vehicle registration.~~

~~(c) Upon completing registration and payment of the registration fee, county motor vehicle decals shall be available for sale in the office of the county treasurer, or at any location designated by him.~~

~~Section 13-60. Payment of fee and issuance of decal generally.~~

~~The county motor vehicle registration fee provided for in this article shall be paid at the office of the county treasurer, or at any other location designated by him. Upon the payment of such registration fee, the county treasurer or his agent shall issue to the applicant a county motor vehicle decal for the motor vehicle, trailer or semitrailer for which the fee is paid.~~

~~Section 13-61. Required display of decal.~~

~~Every motor vehicle, trailer or semitrailer required by this article to have a county motor vehicle decal shall display on that motor vehicle, trailer or semitrailer its designated county motor vehicle decal. The county motor vehicle decal shall be affixed to the windshield one inch to the right of the state inspection sticker. If the vehicle does not have a windshield or state inspection sticker, such decal shall be placed on the vehicle in a location designated by the county treasurer.~~

~~Section 13-62. Presumption arising from absence of county decal.~~

~~The finding of any motor vehicle, trailer or semitrailer registered in the county on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid county motor vehicle decal attached thereto, shall be prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof.~~

~~Section 13-63. Display of expired decal.~~

~~No person shall display upon any motor vehicle, trailer or semitrailer a county motor vehicle decal after the expiration date of such decal.~~

~~Section 13-64. Duplicate or substitute decals.~~

~~In the event that any county motor vehicle decal issued under the provisions of this article is lost or mutilated or becomes illegible, the owner shall make immediate application for and obtain a duplicate or substitute decal by furnishing information of such fact satisfactory to the county treasurer.~~

~~Section 13-65. Transfer of decal to another vehicle.~~

~~(a) Any owner who sells or transfers a motor vehicle, trailer or semitrailer currently issued a decal under the provisions of this article may have the county motor vehicle decal and the registration number thereon assigned to another vehicle of like design and titled in such owner's name, upon application to the county commissioner of the revenue on forms providing for the name and address of the applicant and a description of the motor vehicle for which such decal has been issued, as well as a description of the motor vehicle for which such decal is to be transferred. Such application shall be accompanied by a registration fee of \$10.00; provided, that no registration shall be required if exempted by section 13-54.~~

~~(b) For the purposes of this section, "like design" shall mean that the original vehicle issued a decal and the one to which the county motor vehicle decal is transferred either are both motorcycles or are both any other type of motor vehicles, trailers or semitrailers as defined by state law.~~

~~(c) No person shall display a county motor vehicle decal on a motor vehicle, trailer or semitrailer other than that decal issued for that vehicle, unless a transfer has been made under the circumstances covered by and as provided in this section.~~

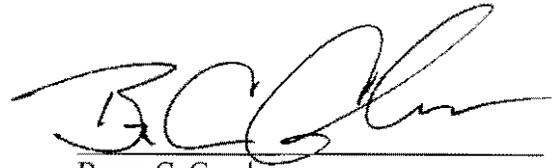
~~Section 13-66. Removal of decal upon sale of vehicle.~~

~~The seller of a motor vehicle, trailer or semitrailer shall remove the county motor vehicle decal therefrom upon the sale of the vehicle.~~

~~Section 13-67. Violations and penalties.~~

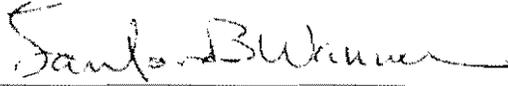
~~It shall be unlawful for any person to violate any provision of this article. Violations of the provisions of this article shall constitute a Class 4 misdemeanor. No violation of section 13-53 shall be discharged by payment of a fine except upon presentation of satisfactory evidence that the required decal has been obtained.~~

This ordinance shall become effective July 1, 2007.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| HARRISON | AYE |
| ICENHOUR | AYE |
| MCGLENNON | AYE |
| BRADSHAW | AYE |
| GOODSON | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of December, 2006.

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