

ADOPTED

SEP 14 1987

ORDINANCE NO. 66A-21

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV, VEHICLE LICENSES, BY REPEALING SECTIONS 11-53 THROUGH 11-63 AND REESTABLISHING AND REORDAINING NEW SECTIONS 11-53 THROUGH 11-67 IN THEIR PLACE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by repealing Sections 11-53 through 11-63 and reestablishing and reordaining Section 11-53. Decal required, Section 11-54. Exemptions, Section 11-55. Decal year, Section 11-56. Decal fees, Section 11-57. Proration of decal fee, Section 11-58. Payment of personal property taxes prerequisite to issuance of decal, Section 11-59. Application; when decal available for sale, Section 11-60. Payment of fee and issuance of decal generally, Section 11-61. Required display of decal, Section 11-62. Presumption arising from absence of county decal, Section 11-63. Display of expired decal, Section 11-64. Duplicate or substitute decals, Section 11-65. Transfer of decal to another vehicle, Section 11-66. Removal of decal upon sale of vehicle, and Section 11-67. Violations and penalties.

Chapter 11. Motor Vehicles and Traffic

Article IV. Vehicle Decals

Section 11-53. Decal required.

(a) Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county shall pay a license fee by procuring an annual 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 46.1-1 of the Code of Virginia.

(b) Duty of person taking residence in 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 thirty (30) days. There shall be no grace period between the original purchase of a state license and the purchase of a county motor vehicle decal, except that owners moving to the county from elsewhere in the state not requiring a local decal or license shall be entitled to a thirty (30) day period of grace.

(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 with the one-time courtesy of a county motor vehicle decal free of charge for that decal year. 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 obtained for each decal year 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 ten (10) days from the date of purchase to procure a county motor vehicle decal.

Section 11-54. 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) The county shall provide, free of charge, a county 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 46.1-149.1 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 are exempt from the county motor vehicle decal fee requirement; provided, however, that all such military and naval personnel shall obtain, free of charge, a county motor vehicle decal in accordance with the provisions of this article.

Section 11-55. Decal year.

The decal year, under the terms of this article, shall commence on the first day of March and shall expire on the thirty-first day of March of the following calendar year. If the thirty-first of March falls on a Saturday, Sunday or a legal holiday, the decal year shall expire on the next day that is not a Saturday, Sunday or a legal holiday.

Section 11-56. Decal fees.

On and after March 1st of each year the owner of each motor vehicle, trailer or semitrailer required by this chapter to procure an annual county motor vehicle decal shall make application to the county commissioner of revenue for a decal, and shall pay to the county treasurer an annual decal fee in accordance with the following schedule:

(a) passenger motor vehicles (except motorcycles), and trucks--fifteen dollars (\$15.00).

(b) Trailers or semitrailers, excluding mobile homes--six dollars and fifty cents (\$6.50).

(c) Motorcycles--ten dollars (\$10.00).

Section 11-57. Proration of decal fee.

One-half of the annual county motor vehicle decal fee prescribed by this article shall be collected whenever a county motor vehicle decal is issued during the period beginning on the first day of October but on or before the thirty-first day of December in the decal year; and one-quarter of such fee shall be collected whenever any such decal is issued after the first day of January in the decal year.

Section 11-58. 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 11-59. Application; when decal available for sale.

(a) Application for a county motor vehicle decal shall be made at the office of the county commissioner of revenue or at any other location designated by him, on forms providing 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) County motor vehicle decals shall be available for sale in the office of the county treasurer, or at any location designated by him, on March first of each year.

Section 11-60. Payment of fee and issuance of decal generally.

The county motor vehicle decal 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 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 11-61. 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 11-62. 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, parking lots, or public places of the county, without a proper county motor vehicle decal attached thereto, shall be a prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof.

Section 11-63. 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 11-64. Duplicate or substitute decals.

(a) 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 and upon payment of two dollars (\$2.00). A person, having once applied for and received a duplicate or substitute county motor vehicle decal, shall not be entitled to apply again for and receive a duplicate or substitute county motor vehicle decal during the license year for which the original motor vehicle decal was issued, but shall reapply under Section 11-59 and pay the full fee required under Section 11-56 or Section 11-57.

(b) Any person exempted, under section 11-54, from payment of the decal fee imposed by this article, who needs a duplicate or substitute decal, as provided in this section, shall be furnished such duplicate or substitute decal without charge.

Section 11-65. 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 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 fee of two dollars (\$2.00); provided that if the decal was issued under section 11-54, there shall be no charge for such transfer.

(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 11-66. 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.

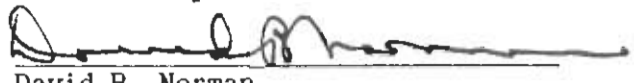
Section 11-67. Violations and penalties.

It shall be unlawful for any person to violate any provision of this article. Violations of the provisions of this article shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00).



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
TAYLOR	AYE
MAHONE	NAY
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 14th day of September, 1987.

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