

AN ORDINANCE TO AMEND ARTICLE III, CITY VEHICLE LICENSE, OF CHAPTER 14, LICENSES, OF THE CODE OF THE CITY OF MANASSAS PARK, VIRGINIA, TO INCREASE PENALTIES FOR VIOLATING ARTICLE, TO ALLOW FOR A PERMANENT VEHICLE DECAL, TO ADD AND CLARIFY REQUIREMENTS FOR ISSUANCE OF A DECAL AND TO CLARIFY PROVISIONS FOR EXEMPTIONS FROM PAYING VEHICLE LICENSE FEE, PURSUANT TO SECTION 46.2-752 AND SECTION 46.2-755 OF THE CODE OF VIRGINIA

WHEREAS, Section 46.2-752 of the Code of Virginia authorizes the City of Manassas Park to impose vehicle license fees on motor vehicles, trailers and semi-trailers normally garaged, stored or parked in the city; and

WHEREAS, Sections 46.2-752 and 46.2-755 of the Code of Virginia authorize the City of Manassas Park to exempt certain owners of motor vehicles, trailers and semi-trailers from the payment of the city's vehicle license fees.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Manassas Park that:

1. Article III, City Vehicle License, of Chapter 14, Licenses, of the Code of the City of Manassas Park, Virginia, is hereby amended to read as follows:

“ARTICLE III. CITY VEHICLE LICENSE

~~Sec. 14-114. Violations of article~~

~~Any person violating any of the provisions of this article shall be guilty of a traffic infraction and, upon conviction, shall be punished by a fine not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), except as may be otherwise provided.~~

Sec. 14-115. License required.

- (a) Every person owning, leasing or operating a ~~motor~~ vehicle normally garaged, stored or parked in the city shall procure an annual city ~~motor~~ vehicle license, ~~to be in the form of a motor~~. For purposes of this article, the term “vehicle decal” shall include, but not be limited to, automobiles, trucks, motorcycles, trailers and semitrailers.

The situs for the imposition of licensing fees under this section shall be the jurisdiction in which such motor vehicle, trailer or semi-trailer is normally garaged, stored or parked. In the event it cannot be determined where such vehicle is normally garaged, stored or parked, the situs shall be the domicile of the owner of such ~~motor~~ vehicle. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he or she has paid a personal property tax on the motor vehicle in his or her domicile.

Each vehicle normally garaged, stored or parked in the city shall display a vehicle decal in accordance with the provisions of section 14-123 of this article.

(b) Duty of person taking residence in city:

(1) A nonresident or ~~nondomiciled~~ non-domiciled owner, lessee or operator of a ~~motor vehicle shall, upon~~ vehicle shall procure a city vehicle license and display a city vehicle decal on the vehicle within thirty (30) days of taking residence or becoming domiciled in the city, ~~procure a city license within thirty (30) days.~~

(2) Owners, lessees or operators moving to the city from elsewhere in the state where a local vehicle license was required, who at the time of moving to the city had obtained a local vehicle license for that jurisdiction for the current year, must obtain a current city ~~motor~~-vehicle decal and display it in accordance with the provisions of this article. A vehicle ~~license~~-decal issued by another county, city or town located in Virginia may be exchanged for a vehicle ~~license~~-decal issued under this article by scraping the decal off the windshield and presenting it to the city treasurer. The fee for such an exchange of a vehicle ~~license~~-decal shall be one dollar (\$1.00). ~~Upon expiration of the aforesaid local license for another jurisdiction, and in all successive years in which the owner, lessee or operator remains a resident of or domiciled in the city, unless otherwise excepted, a current city decal must be obtained for each license year in accordance with the provisions of this article.~~

(c) Purchasers, lessees or operators of new or used ~~motor~~-vehicles shall, within thirty (30) days of the date of purchase, procure a city ~~motor~~-vehicle license.

Sec. 14-116. Exemptions.

(a) The provisions of this article shall not apply to tractors, engines, locomotive engines, electric cars running on rails, farm vehicles, ~~motor~~-vehicles owned by the state or any political subdivision of the state or by the United States government, or vehicles held for sale or for sales demonstration by any manufacturer or authorized dealer.

(b) The provisions of this article shall not apply where the ~~motor~~ vehicle is owned by a nonresident of the city 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 (c) of this section.

(c) The provisions of this article shall not apply where the ~~motor~~ vehicle is owned by a nonresident and is used for transporting into the city, 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.

(d) The provisions of this article shall not apply where the ~~motor~~ vehicle is operated by a common carrier of persons or property operating between cities, counties and towns in this commonwealth.

(e) The provisions of this article shall not apply where the ~~motor~~-vehicle is a daily rental vehicle as defined in Section 58.1-2401 of the Code of Virginia.

Sec. 14-117. License year.

~~Beginning November 16, 2002, the~~ The license year, under the terms of this article, shall commence on the sixteenth day of November and shall expire on the fifteenth day of November

of the following calendar year. ~~Prior to April 16, 2002, the license year, under terms of this article, shall commence on the sixteenth day of April and shall expire on the fifteenth day of April of the following calendar year. For the purpose of this article, the period between April 16, 2002, and November 15, 2002, shall constitute the transition period.~~

Sec. 14-118. Application.

Application for a city ~~motor~~ vehicle decal shall be made at the office of the commissioner of the revenue, on forms providing for the name and address of the applicant and a description of the ~~motor~~ vehicle for which the decal is to be issued.

Sec. 14-119. TaxFee imposed.

There is hereby imposed by the city an annual license taxfee upon every person owning a ~~motor~~ vehicle, ~~including, but not limited to, automobiles, trucks, motorcycles, and trailers and semitrailers,~~ regularly housed or stored in the city and used or intended to be regularly operated upon the streets or highways in the city. On every motor vehicle, including, but not limited to, automobiles and trucks, such taxfee shall be twenty-five dollars (\$25.00). On every motorcycle, such taxfee shall be ten dollars (\$10.00). On every trailer, semitrailer or vehicle of like design, such taxfee shall be eight dollars (\$8.00). ~~For the transition period, each license tax imposed hereby shall be reduced by fifty (50) percent.~~

Sec. 14-120. Proration of taxfee; refunds.

~~(a) Beginning November 16, 2002, the vehicle license tax shall be one-half the amount provided for in the applicable section with respect to licenses issued under the provisions of section 14-119 on or after the fifteenth day of May of any year. Prior to November 16, 2002, the vehicle license tax shall be one-half the amount provided for in the applicable section with respect to licenses issued under the provisions of section 14-119 on or after the first day of November of any year.~~

(a) ~~(b)~~ If any ~~motor~~ vehicle having situs in the city during any portion of the license year loses situs in the city during the same license year, the applicable ~~decal~~license fee shall not be prorated and refunded.

(b) ~~(e)~~ Any owner, lessee or operator may surrender the vehicle license receipt and unused decal to the treasurer or his designee and request a refund of the fee paid for any vehicle license (~~decal~~) upon satisfactory proof by such person that the vehicle license (~~decal~~)fee was purchasedpaid in error.

Sec. 14-121. Provision of a ~~motor~~ vehicle license decal for certain military personnel.

Every person on active duty in the military service, absent from his state of residence or domicile solely by reason of compliance with military or naval orders, who is the sole owner of a ~~motor~~ vehicle normally garaged, stored or parked in the city or on a United States military reservation within the boundaries of the city whose ~~motor~~ vehicle is licensed and registered, shall be provided by the office of the treasurer with a free courtesy vehicle license decal. Such courtesy vehicle license decal shall be displayed in accordance with the provisions of section 14-123 of this chapterarticle.

Sec. 14-122. Payment of personal property taxes and fines prerequisite to licensing.

(a) ~~___~~ No ~~motor~~-vehicle, ~~trailer or semitrailer~~ shall be licensed ~~locally in the city~~ until the applicant has produced satisfactory evidence that all personal property taxes on the ~~motor~~ vehicle, ~~trailer or semitrailer~~ to be licensed have been paid and satisfactory evidence that any delinquent ~~motor~~-vehicle, ~~trailer, or semitrailer~~ personal property taxes owing have been paid which have been ~~property~~properly assessed against the applicant by the city.

(b) No vehicle shall be licensed in the city unless all fines owed to the city by the owner of the vehicle for violation of the city's ordinances governing parking of vehicles have been paid. The provisions of this subsection shall not apply to vehicles owned by firms or companies in the business of renting motor vehicles.

Sec. 14-123. Payment of ~~tax and~~license fee; issuance and display of vehicle decal generally.

(a) A vehicle ~~license~~-decal shall be furnished by the treasurer for each vehicle on which the vehicle license ~~tax~~fee prescribed in this article ~~is~~has been paid. Such vehicle ~~license~~ decal shall be displayed on the windshield of each automobile and truck to the right of the state inspection sticker. The vehicle decal shall be displayed on each trailer, semitrailer or motorcycle near the state inspection sticker, or if there is no state inspection sticker, in another conspicuous place.

(b) It shall be unlawful for any owner, lessee or operator of a ~~motor~~-vehicle, ~~trailer, or semitrailer~~, which is normally garaged, stored or parked in the city, to fail to obtain and display the vehicle ~~license~~-decal in the manner prescribed by this article.

(c) It shall be unlawful for any owner, lessee or operator of a vehicle to fail to obtain and display the city vehicle decal required by this article or to display upon any vehicle a vehicle decal after the expiration of the vehicle license for that vehicle.

(d) A violation of this ~~subsection~~section shall constitute a class 4 misdemeanor, the penalty for which shall be ~~one~~two hundred-~~fifty~~ dollars (\$~~100~~250.00). Local law enforcement officers are authorized to issue to any individual, business, or entity citations, summonses, parking tickets or uniform traffic summonses for violations of this section in the case of any ~~motor~~-vehicle, ~~trailer or semitrailer~~ for which a vehicle license is required by this article, but has not been obtained and displayed as required by this article.

~~(e) It shall be unlawful for any owner, lessee or operator of a trailer, semi-trailer or motor vehicle, including but not limited to automobiles, trucks and motorcycles, to fail to obtain and display the local license decal required by section 14-115 of this chapter or to display upon any motor vehicle, a vehicle license decal after the expiration date of such decal.~~

Sec. 14-124. Issuance of vehicle decal without cost--To disabled veterans.

Any ~~disabled~~-veteran ~~issued~~who holds a current state ~~license plates and registrations, motor vehicle registration card~~ establishing that he has received a disabled veteran's exemption from the Virginia Department of Motor Vehicles, and who has been issued a disabled veteran's motor vehicle license plate as ~~provided~~prescribed in Section 46.2-739 of the Code of Virginia, shall not, ~~upon proof of such issuance by the state,~~ be required to pay the ~~tax~~vehicle

license fee prescribed by this article and shall be issued a ~~motor~~-vehicle decal without cost, upon a showing of ~~such~~ proof of such issuance to the treasurer or his agent.

Sec. 14-125. Same--To certain elderly persons.

(a) The governing body of the city finds that persons who are sixty-five (65) years of age or older who receive low incomes and who are owners of ~~motor~~-vehicles are in need of relief from the payment of the ~~tax~~vehicle license fee imposed by this article. Any person who is, on January 1 of any year, a resident of the city, sixty-five (65) years of age or older and is the registered owner or co-owner of a ~~motor~~-vehicle subject to such ~~tax~~fee may apply for relief from payment thereof; provided, that:

(1) The person applying for the relief could qualify for tax relief ~~under the financial provisions of~~pursuant to section 22-27 of ~~this Code~~the city code.

(2) The person applying for the relief ~~shall produce~~produces the evidence required by section 14-122.

(b) Within any given dwelling, the relief provided for in this section shall apply to one (1) and only one (1) vehicle.

(c) The application for relief under this section shall be filed on forms to be furnished by the commissioner of the revenue upon request. Any such application shall be made, under oath, in the office of the commissioner of the revenue and shall be filed before ~~March~~April 1 prior to the upcoming license year for which such relief is sought.

(d) Following such investigation as he/she shall deem appropriate, the commissioner of the revenue shall determine whether the applicant meets the requirements of this section. ~~A certificate of eligibility for relief shall be furnished to each qualifying applicant.~~

~~(e) Upon presentation of the certificate referred to in subsection (d) above to the treasurer, a city motor vehicle decal shall be issued, without cost.~~

(e) ~~(f)~~ Any material change with respect to financial eligibility for relief and ownership of the motor vehicle or other applicable factors, which shall occur during the year for which the application under this section is filed, and which would operate to preclude qualifying for relief if applicable at the time of application hereunder, shall nullify any exemption for the current license year and the license year immediately following.

Sec. 14-126. Same--To volunteer rescue squad and fire department members.

One (1) ~~free decal shall be provided to each~~vehicle owned by a person who resides in the city and who is certified in writing by the president or chief of the volunteer rescue squad or fire company in which he or she serves as an active member of such volunteer rescue squad or fire company as of the immediately preceding January 31 shall be exempt from the vehicle license fee prescribed in this article. A vehicle decal shall be issued for such vehicle without cost.

Sec. 14-127. Replacement of ~~lost or~~ destroyed vehicle ~~license~~ decals; transfer and exchange of vehicle ~~license~~ decals.

(a) If, ~~during the motor~~ a vehicle ~~license tax year, any vehicle license~~ decal is ~~lost or~~has been destroyed a replacement vehicle decal shall be issued by the city treasurer upon proof that (i) the requirements of section 14-122 of this article have been met, (ii) the

vehicle license fee for the subject vehicle has been paid for the current year, and (iii) the vehicle decal was lost or destroyed. For purposes of this subsection, proof that a vehicle has been damaged beyond repair and declared "totaled" by the vehicle owner's insurance company shall be sufficient to show that the vehicle license has been destroyed. The fee for such reissue shall be three dollars (\$3.00) for the first one reissuance, ~~but~~ each vehicle license year; for each subsequent reissuance ~~thereafter~~ within the vehicle license year the full vehicle license fee shall be paid.

(b) A vehicle ~~license~~ decal issued ~~under~~ pursuant to this article may be transferred from one (1) vehicle to another vehicle owned by the same person by scraping the decal off the windshield and returning it to the city treasurer; provided, however, that the requirements of section 14-122 of this article have first been met. The fee for the transfer of a vehicle ~~license~~ decal from one (1) automobile to another shall be one dollar (\$1.00).

Sec. 14-128. Removal of decal upon sale of vehicle.

The seller of a vehicle shall remove the city vehicle decal therefrom prior to selling the vehicle.

Sec. 14-129. Disposition of revenue.

All revenue derived from the vehicle license ~~tax~~ fee imposed by this article shall be deposited in the general fund of the city."

2. All sections of the Code of the City of Manassas Park, Virginia that are inconsistent with and/or in conflict with this Ordinance are hereby repealed.
3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
4. This Ordinance shall be effective upon its adoption.