

The regular meeting of the Amherst Town Council was held on August 9, 2006 at 7:00 P.M. in Council Chambers, Mayor Jacob P. Bailey presiding. Council members present were: Bobby J. Bondurant; Jason D. Campbell; Haney Mottley; C. Manly Rucker, III; and Harold Swisher.

Also present were Town Manager Jack Hobbs, Town Attorney W. Thomas Berry, Police Chief Kenneth S. Watts, Superintendent of Plants Thomas W. Fore and Office Manager Colan R. Davis.

Father Donald Kelly from St. Francis of Assisi Church gave an invocation.

A duly advertised hearing on a vehicle license fee ordinance was opened at 7:02 P.M. It was reported that the proposed ordinance would eliminate the windshield decal system and replace it with an annual vehicle license fee. The fee would be billed at the same time as the personal property tax and be at the same rates and under the same collection system as used by Amherst County. There being no one present who wished to speak, the hearing was closed at 7:04 P.M. Mr. Mottley made a motion that was seconded by Mr. Swisher to adopt an ordinance entitled *AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY ADDING SECTION 16-70.1 AND REPEALING SEC. 16-69.1 THROUGH SEC. 16-69.1.12, THE ADDED SECTION REFERRING TO VEHICLE LICENSE FEES AND THE REPEALED SECTION REFERRING TO VEHICLE DECALS*. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker, and Swisher voted "Aye". The ordinance is attached and made a part of these minutes.

Mr. Campbell made a motion that was seconded by Mr. Mottley to approve the minutes of the July 12, 2006 meeting as previously distributed. The motion passed 5-0. Messrs. Bondurant, Campbell, Mottley, Rucker and Swisher voted "Aye".

Mr. Rucker made a motion that was seconded by Mr. Mottley to appoint Harold Swisher as its representative to the Region 2000 Regional Commission's Local Government Council and the Central Virginia Metropolitan Planning Organization for a term to be concurrent with Mr. Swisher's term as a Town Councilman.

The Town Manager reported that the design for the first phase of the Gannaway Subdivision sewer line project is nearly complete and presented an associated cost estimate for this in-house work. By consensus the staff was authorized to proceed to construction upon completion of the final design and acquisition of needed easements.

The Town Manager reported that Office Manager Colan Davis has expended significant effort researching the computer upgrade issue. The result is a phased-in system replacement plan involving new hardware, new tax billing/accounting software, upgraded utility billing/accounting software, and new basic accounting (general ledger, payables, payroll, etc.) software – although this last piece will likely be delayed one or more years due to the time that will required to implement the initial first phases and the costs involved. The Capital Improvement Plan includes \$50,000 to fund this project, and an analysis of the anticipated out-of-pocket costs associated

with the effort was reviewed. By consensus the staff was authorized to proceed with the installation of the new system.

Mayor Bailey gave a status report on the CVCC/Brockman Park Project.

The Town Manager reported on efforts to repair a recent break in the water line that runs under Rutledge Creek to serve Rutledge Lane. The cost estimate to reroute this line from East Commerce Street is \$9,000. By consensus, the staff was authorized to proceed with that work.

There being no further business to discuss, the meeting adjourned at 7:26 P.M.

Attest:

Jacob P. Bailey, Mayor

Jack Hobbs, Clerk of Council

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY ADDING SECTION 16-70.1 AND REPEALING SEC. 16-69.1 THROUGH SEC. 16-69.1.12, THE ADDED SECTION REFERRING TO VEHICLE LICENSE FEES AND THE REPEALED SECTION REFERRING TO VEHICLE DECALS.

Be it Ordained by the Council of the Town of Amherst:

1. That the Code of the Town of Amherst is hereby amended by adding Section 16-70.1 to read as follows:

ARTICLE IV. LICENSE FEE ORDINANCE.

Sec. 16-70.1 Vehicle required to be licensed – Situs; student owners; exemptions.

(a) Every person who shall own or lease a motor vehicle, trailer or semi-trailer or semi-trailer normally garaged, stored or parked in the Town shall pay an annual Town license fee for such vehicle, trailer or semi-trailer as required herein.

(b) The situs for the imposition of licensing fees under this article shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle, trailer, or semi-trailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. 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 has paid a personal property tax on the motor vehicle in his domicile.

(c) The license fee imposed by this section shall not apply to any vehicle personally owned or leased, in whole or in part, by a member of the armed services of the United States on active duty. For the purposes of this section “the armed services of the United States” includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

(d) The Town of Amherst shall not impose any license fee upon any daily rental vehicle, as defined in VA. CODE ANN. § 58.1-2401 (Repl. Vol. 2004), the rental of which is subject to the tax imposed by VA. CODE ANN. § 58.1-2402 A. 4. (Cum. Supp. 2005).

Sec. 16-70.2 Assessment of License Fee.

(a) There is hereby assessed to any person owning or leasing a motor vehicle, trailer or semi-trailer, normally garaged, stored or parked in the Town of Amherst on January 1 of each year a Town of Amherst motor vehicle license fee.

(b) The chief of each volunteer fire department and volunteer emergency rescue squad will prepare and certify a list of active members of his department or squad who regularly respond to calls or perform other duties for the department or squad and who reside inside the corporate limits of the Town of Amherst. The certified list will include the complete name of each individual, his residence address, and the identification number, and description of the car owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form, submit it to his chief who will attach all individual applications to the certified listing and submit to the

Treasurer of the Town. After reviewing and comparing the certified listing and applications with the personal property tax rolls, the Treasurer will issue an exemption certificate to each certified member without charge.

No member of a volunteer rescue squad or volunteer fire department shall be issued an exemption certificate for more than one (1) vehicle free of charge.

Sec. 16-70.3 Amount of fee – Passenger motor vehicles; trucks; motorcycles.

(a) Unless otherwise specified herein, on each and every motor vehicle there shall be annual license fee of twenty-five dollars; and on each and every motorcycle, with or without a sidecar, a license fee of eleven dollars.

(b) The amount of the license fee imposed by The Town of Amherst under this article shall not be greater than the amount of the license fee imposed by the Commonwealth on said vehicle.

Sec. 16-70.4 Same – Other motor vehicles, trailers, semi-trailers, etc.

(a) On each trailer and semi-trailer, not exempt from taxation as otherwise herein provided, there shall be a license fee of eight dollars.

(b) In the case of a combination of a truck or tractor truck and a trailer or semi-trailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and a separate fee shall be assessed therefor.

Sec. 16-70.5 Same – Exemptions and reductions.

(a) The provisions of this article shall not be construed as to impose a license fee upon any motor vehicle, trailer, or semi-trailer when:

- (1) A similar tax or license fee is imposed by another county, city or town wherein such motor vehicle, trailer or semi-trailer is normally garaged, stored or parked;
- (2) The motor vehicle, trailer or semi-trailer is owned by a nonresident or the Town of Amherst 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 semi-trailer is owned by a nonresident and is used for transporting into and within the Town 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 semi-trailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the Town 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 semi-trailer is kept by a dealer or manufacturer for sale or for sales demonstration;
- (6) The motor vehicle, trailer or semi-tractor 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) Any vehicle that is exempt under provisions of state law.

(b) (RESERVED)

(c) Motor vehicles, trailers or semi-trailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to VA CODE ANN. § 53.1-95.2 et seq. (Repl. Vol. 2005) and used solely for governmental purposes in accordance with provisions of VA. CODE ANN. § 46.2-750 (Repl. Vol. 2005) shall display license plates or decalcomania inscribed either “Official State Use Only” or “Official Local Government Use Only,” respectively and shall be subject to a license fee equal to the cost incurred either by the Commonwealth or by the Town, respectively, in the purchase or manufacture of such decalcomania, but which Town fee shall, in no event, exceed the fee imposed by the State under VA. CODE ANN. § 46.2-750 A. (Repl. Vol. 2005); such licensing requirements shall be subject to exceptions set forth in VA. CODE ANN. § 46.2-750 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-750.1 (Repl. Vol. 2005).

(d) One motor vehicle, owned and used personally by any recipient of the Medal of Honor who holds a current state motor vehicles registration card establishing that he has received Medal of Honor state license plates as prescribed and limited in VA. CODE ANN. § 46.2-745 (Repl. Vol. 2005) or one motor vehicle owned and used personally by the un-remarried surviving spouse of such Medal of Honor recipient shall be exempt from the payment of the license fee levied and imposed by this article.

(e) The fire-fighting trucks, trailers or semi-trailers on which firefighting apparatus is permanently attached, or other vehicles, when any such vehicle is owned or under exclusive control of the Amherst Volunteer Fire Department shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all the provisions of VA. CODE ANN. § 46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-752A (Repl. Vol. 2005).

(f) Ambulances or other vehicles owned or used exclusively by the Amherst Volunteer Fire Department or the Amherst Life Saving Crew, provided any such vehicle is used exclusively as an ambulance or lifesaving and first aid vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all the provisions of VA. CODE ANN. § 46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-752A (Repl. Vol. 2005).

(g) One vehicle owned or leased, and used personally in the performance of duties by each active member of the volunteer fire departments and volunteer emergency rescue squads who lives in the Town is exempt after proper certification as indicated in Sec. 16-70.2(b) of this article.

(h) One motor vehicle, owned, used personally by any veteran who holds a current stated 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 VA. CODE ANN. § 46.2-739 (Repl. Vol. 2005), or one motor vehicle owned and used personally by the un-remarried surviving spouse of such disabled veteran shall be exempt from the payment of the license fee levied and imposed by this article.

(i) One passenger vehicle, pickup or panel truck, as defined in VA. CODE ANN. § 46.2-100 (Repl. Vol. 2005), owned and used personally by any former prisoner of war who holds a current state motor vehicle registration card establishing that he has received prisoner of war

State license plates as prescribed in VA. CODE ANN. § 46.2-746 (Repl. Vol. 2005) or one motor vehicle owned and used personally by the un-remarried surviving spouse of a person eligible to receive such special license plates shall be exempt from the payment of the license fee levied and imposed by the article.

(j) Daily rental vehicles as defined in VA. CODE ANN. § 58.1-2401 (Repl. Vol. 2004), the rental of which are subject to the tax imposed by VA. CODE ANN. § 58.1-2402 A 4 (Cum. Supp. 2005), shall be exempt from the payment of the license fee levied and imposed by this article.

(k) Passenger vehicles and pickup or panel trucks as defined in VA. CODE ANN. §46.2-100 (Repl. Vol. 2005), owned and used personally by a member of the National Guard who has received special metal state license plates pursuant to VA. CODE ANN. § 46.2-744 (Repl. Vol. 2005), shall be partially exempt from the payment of the license fee levied and imposed by this article to the extent of fifty percent (50%) of said fee, provided that such reduced Town fee shall not exceed the reduced State tax or fee imposed under VA. CODE ANN. § 46.2-744 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-694 (Repl. Vol. 2005).

(l) Antique motor vehicles and antique trailers, as defined in VA. CODE ANN. § 46.2-100 (Repl. Vol. 2005), registered and licensed by the State in accordance with VA. CODE ANN. § 46.2-730 A (Repl. Vol. 2005) shall be exempt from the payment of the license fee levied under this article, provided that other conditions prescribed herein are met.

In order to qualify for exemption hereunder, an antique motor vehicle and antique trailer registered and licensed under VA. CODE ANN. § 46.2-730 (Repl. Vol. 2005) shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

(i) For participation in club activities, exhibits, tours, parades and similar events; and

(ii) On the highways of the Commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, transportation to and from events as described in subdivision (i) of this subsection, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner.

Sec. 16-70.6 License fees—Disposition.

All fees collected pursuant to this article shall be deposited by the Treasurer in the general fund of the Town.

Sec. 16-70.7 Payment of personal property taxes prerequisite.

(a) No motor vehicle, trailer or semi-trailer shall be licensed by the Department of Motor Vehicles until such applicant for such license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle, trailer or semi-trailer to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of The Town of Amherst that any delinquent motor vehicle, trailer or semi-trailer personal property taxes or license fees which have been properly assessed or are assessable against the applicant by the Town have been paid.

(b) No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the Town on any tangible personal property used or usable as a dwelling titled by the Virginia Department of Motor Vehicles and owned by the taxpayer have been paid.

(c) No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of a motor vehicle as to which a fee is required to be paid pursuant to this article, qualified under the provisions hereof to a waiver of that fee, until the applicant of such license or registration from the Department of Motor Vehicles has produced before the Town of Amherst Treasurer, or his agent, satisfactory evidence that all personal property taxes upon the motor vehicle licensed have been paid and satisfactory evidence that any delinquent personal property taxes due with respect the vehicle which have been properly assessed or are assessable against the owner have been paid.

Sec. 16-70-8 License year; transitional provisions for 2007 license year only.

(a) The license year with respect to which the fee required to be paid under this article is assessed shall be January 1 through December 31 of each year. The fee assessed under this article shall be assessed to the owner of each motor vehicle as provided in this article for motor vehicles owned on January 1 of each year. The fee shall be payable to the Treasurer on or before December 5 of each year and with respect to any fees not paid at that time there is hereby imposed a twenty dollar (\$20.00) fee to reimburse to Town for costs associated with administration of the Vehicle Registration Withholding Program with the Commonwealth of Virginia Department of Motor Vehicles (DMV) if a DMV stop order has been issued prior to payment. The fee herein assessed will be based upon ownership of vehicles on fee day that is, January 1 of each year, and the period for which the license fee is effective shall be January 1 through December 31 of the next ensuing year.

(b) **Transitional provisions effective for 2007 license year only.** The fee for license year 2007, which fee shall be due December 5, 2006, shall be abated as to any motor vehicle, trailer or semi-trailer normally garaged, stored or parked in the Town on fee day January 1, 2006, and which during 2006 become normally garaged, stored or parked outside of the Town, due either to a transfer of the title thereto, or to a change in domicile of the owner thereof. Provided that, if the decal for said motor vehicle, trailer or semi-trailer was transferred to another motor vehicle, trailer or semi-trailer normally garaged, stored or parked in the Town, the fee for license year 2007 shall not be abated as to the motor vehicle, trailer or semi-trailer owned on fee day January 1, 2006.

Sec. 16-70.9 Failure to pay license fee, personal property tax, etc.; penalty.

(a) In the event that the license fee required by this article is not paid, or if any personal property taxes, properly assessed against such vehicle, are not paid on or before December 5 of each year, with respect to each owner or co-owner of any motor vehicle as to which the license fee has not been paid, or any personal property taxes have not been paid, the Town Treasurer shall mail to the owner/co-owner by first class mail a Notice of Intent to request the Commonwealth of Virginia Department of Motors Vehicles under the Vehicle Registration Withholding Program to deny his or her registration

renewal with respect to the vehicle which is subject to the license fee or personal property tax herein. In the event of payment of that vehicle license fee and/ or delinquent personal property taxes, the Town Treasurer shall provide a receipt to the vehicle owner/co-owner that clearly indicates that the owner/co-owner has paid in full all outstanding local vehicle fees and delinquent taxes tot the locality, together with the penalty, interests and administrative fee hereinabove set forth.

(b) It shall be unlawful for any owner of a motor vehicle, trailer or semi-trailer to fail to pay the local license fee or personal property taxes assessed with respect to each motor vehicle, trailer or semi-trailer after December 5 of each year.

(c) A violation of this section shall constitute a Class 4 misdemeanor and shall be punished by a fine of one hundred dollars (\$100.00).

(d) A violation of this section by the registered owner of the vehicle shall not be discharged by prepayment of a fine or by payment of a fine imposed by the court except upon presentation of satisfactory evidence that the required license has been obtained.

2. That the Code of the Town of Amherst is hereby amended by repealing Section 16-69.1 through Section 16-69.1.12.
3. That this Ordinance shall be effective on August 9, 2006.

This ordinance was adopted on August 9, 2006.

Mayor

ATTEST:

Clerk of the Council