

CHARLOTTE COUNTY CODE
VEHICLE LICENSE ORDINANCE

ORDAINED: That the following is hereby adopted by the Charlotte County Board of Supervisors:

Sec. 1. Vehicles required to be licensed; student owners; exemptions.

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

(b) The location for the imposition of licensing fees hereunder shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle 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 hereby section shall not apply to any motor 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) Charlotte County 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).

For state law authority, see VA. CODE ANN., §46.2-752 A. and I. (Repl. Vol. 2005), and VA. CODE ANN. §46.2-755 C. (Repl. Vol. 2005). See also VA. CODE ANN. §§46.2-656, 46.2-657, and 46.2-662 (Repl. Vol. 2005). See also VA. CODE ANN. §46.2-221.4 (Repl. Vol. 2005).

Sec. 2. Assessment of license fee.

There is hereby assessed to any person owning or leasing a motor vehicle normally garaged, stored or parked in Charlotte County on January 1 of each year a County motor vehicle license fee.

For state law authority, see VA. CODE ANN. §46.2-752 A.4., A.5. and A.11. (Repl. Vol. 2005).

Sec. 3. Amount of fee -- passenger motor vehicles; trucks; motorcycles

(a) On each and every passenger vehicle and truck there shall be an annual license fee of twenty-five dollars (\$25.00); and on each and every motorcycle, with or without a sidecar, a license fee of ten dollars (\$10.00).

(b) The amount of the license fee imposed by Charlotte County hereunder shall not be greater than the amount of the license fee imposed by the Commonwealth on said vehicle.

For state law authority, see VA. CODE ANN. §46.2-752 (Repl. Vol. 2005). For state fees, see VA. CODE ANN. §46.2-694 (Repl. Vol. 2005), especially subdivisions 1 through 13 of A.

Sec. 4. Same -- exemptions and reductions.

(a) The provisions hereof shall not be construed as to impose a license fee upon any motor vehicle when:

- (1) A similar tax or license fee is imposed by another County, City or Town wherein such motor vehicle is normally garaged, stored or parked;
- (2) The motor vehicle is owned by a nonresident of Charlotte 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 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 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 is kept by a dealer or manufacturer for sale or for sales demonstration;
- (6) The motor vehicle is operated by a common carrier of persons or property operating between cities and towns in the 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) Motor vehicles 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 the 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 County, respectively, in the purchase or manufacture of such decalcomania, but which the County 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).

(c) The fire-fighting trucks on which firefighting apparatus is permanently attached, or other vehicles, when any such vehicle is owned or under exclusive control of a chartered volunteer fire department in the County shall be exempt from payment of the license fee imposed hereby, provided that such vehicles comply with all of the provisions of VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. §46.2-752A (Repl. Vol. 2005).

(d) Ambulances or other vehicles owned or used exclusively by chartered volunteer fire departments or volunteer lifesaving or first aid crews or rescue squads in the County, 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, and no charge is made by the organization for the use of the vehicle, shall be exempt from payment of the license fee imposed hereby, provided that such vehicles comply with all of the provisions of VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. §46.2-752A (Repl. Vol. 2005).

(e) The chief of each volunteer fire department and the captain of each 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 in the County. 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 to be certified for exemption. Each individual so certified will complete the required application form and submit it to his chief or captain, who will attach all individual applications to the certified listing and submit to the Charlotte County Treasurer. After reviewing and comparing the certified listing and applications with the personal property tax rolls, the Charlotte County 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 vehicle free of charge.

(f) 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 VA. CODE ANN. §46.2-739 (Repl. Vol. 2005), or one motor vehicle owned and used personally by the unremarried surviving spouse of such disabled veteran shall be exempt from the payment of the license fee levied and imposed by this article.

(g) 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 unremarried 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 hereby.

(h) 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 hereby.

(i) 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 County 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).

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

In order to qualify for exemption hereunder, an antique motor vehicle 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:

- (1) For participation in club activities, exhibits, tours, parades and similar events; and
- (2) 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.

For state law authority for individual subsections, see as follows: VA. CODE ANN. §46.2-752 H. (Repl. Vol. 2005); VA. CODE ANN. §46.2-755 A.1. (Repl. Vol. 2005); VA. CODE ANN. §46.2-755 A.2. (Repl. Vol. 2005); VA. CODE ANN. §46.2-755 A.3. (Repl. Vol. 2005); VA. CODE ANN. §46.2-755 A.4. (Repl. Vol. 2005); VA. CODE ANN. §46.2-755 A.5. (Repl. Vol. 2005); VA. CODE ANN. §46.2-755 A.6. (Repl. Vol. 2005); VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005); VA. CODE ANN. §46.2-694 (Repl. Vol. 2005); VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005); VA. CODE ANN. §46.2-750 A. (Repl. Vol. 2005); VA. CODE ANN. §46.2-745 (Repl. Vol. 2005); VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2002); VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005); VA. CODE ANN. §46.2-736 (Repl. Vol. 2005); VA. CODE ANN. §46.2-735 (Repl. Vol. 2005); VA. CODE ANN. §46.2-752 A.4. and 5. (Repl. Vol. 2005); VA. CODE ANN. §46.2-739

(Repl. Vol. 2005); VA. CODE ANN. §46.2-755 B.
(Repl. Vol. 2005); VA. CODE ANN. §46.2-746
(Repl. Vol. 2005); VA. CODE ANN. §46.2-755 C.
(Repl. Vol. 2005); VA. CODE ANN. §46.2-744
(Repl. Vol. 2005); ; VA. CODE ANN. §46.2-730
(Repl. Vol. 2005); VA. CODE ANN. §46.2-752
A.12. (Repl. Vol. 2005).

Cross-Reference: For provisions providing that no motor vehicle license shall be issued by the Department of Motor Vehicles to a person otherwise entitled to a waiver of the local license fee until applicant produces evidence that all currently due and delinquent personal property taxes on the vehicle to be licensed have been paid, see Sec. 6 hereof.

For provisions regarding exemption from personal property taxation of “antique motor vehicles” as defined in §46.2-100 which may not be used for general transportation purposes, see VA. CODE ANN. §58.1-3504 A.8. (Repl. Vol. 2004).

Sec. 5. License fees -- disposition.

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

For state law authority, see VA. CODE ANN. §46.2-752 B. (Repl. Vol. 2005).

Sec. 6. Payment of personal property taxes prerequisite.

(a) No motor vehicle shall be locally licensed, or 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 to be licensed and until DMV has been provided satisfactory evidence by the Charlotte County Treasurer that any delinquent motor vehicle personal property taxes or license fees which have been properly assessed or are assessable against the applicant by the County, or any incorporated Town within the County, including not just the motor vehicle for which a DMV license is sought but also assessed by the County, or any incorporated Town within the County, against any other personal property owned by the applicant, have been paid.

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

(c) No motor vehicle license shall be issued locally or by DMV 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 for such license or registration from DMV has produced before the Charlotte County Treasurer, or his agent, satisfactory evidence that all personal property taxes have been paid and satisfactory evidence that any delinquent personal property taxes due, which have been properly assessed or are assessable against the owner, have been paid.

For state law authority, see VA. CODE ANN. §46.2-752 C. and A.12 (Repl. Vol. 2005).

Cross-Reference: For state law provisions regarding payment of taxes on leased property by lessee and requirement that certain information regarding taxes to be furnished to lessee by lessor, see VA. CODE ANN. §58.1-3516.2 (Repl. Vol. 2004). For provisions regarding proration of personal property tax, see VA. CODE ANN. §58.1-3516 (Repl. Vol. 2004).

Sec. 7. License year.

The license year with respect to which the fee required to be paid hereunder is assessed shall be January 1 through December 31 of each year. The fee assessed hereunder shall be assessed to the owner of each motor vehicle as provided herein for motor vehicles owned on January 1 of each year. The fee shall be payable on or before December 5 of each year and with respect to any fees not paid at that time there is hereby imposed a fee of twenty dollars (\$20.00) to reimburse Charlotte County for costs associated with administration of the Vehicle Registration Withholding Program with the Department of Motor Vehicles 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.

For state law authority, see VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005).

Sec. 8. Failure to pay license fee, personal property tax, etc.; notice to DMV; due date thereof.

In the event that the license fee required hereby 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 Charlotte County Treasurer shall mail to the owner/co-owner by first class mail a Notice of Intent to request the Department of Motor 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 Charlotte County Treasurer shall provide to the vehicle owner/co-owner an approved numbered receipt that clearly indicates that the vehicle owner/co-owner has paid in full all outstanding local vehicle fees and delinquent taxes to the locality, together with the penalty, interest and administrative fee hereinabove set forth.

For state law authority, see VA. CODE ANN. §46.2-752 G (Repl. Vol. 2005). See also VA. CODE ANN. §18.2-11 (Repl. Vol. 2004).

ADOPTED this 20th day of December, 2005.