

9-5-98

**AN ORDINANCE PROVIDING FOR THE PRORATION
OF PERSONAL PROPERTY TAXES**

WHEREAS, pursuant to the provisions of Section 58.1-3516 of the Code of Virginia (1950) as amended, a Town may provide by ordinance for the levy and collection of personal property taxes on motor vehicles which have acquired a situs within the Town after the tax day for the balance of the tax year; and

WHEREAS, the Town of Onley deems such levy and collection of personal property tax on the aforesaid personal property and the proration of said tax on a monthly basis to be reasonable and necessary:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF ONLEY OF THE COUNTY OF ACCOMACK, VIRGINIA:

SECTION 1. Pursuant to the provisions of Section 58.1-3516 of the Code of Virginia (1950) as amended, there shall be a personal property tax at a rate established each year by the Town of Onley on motor vehicles which have a situs within the Town of Onley on January first of each year and on the aforesaid personal property (hereafter referred to in this Ordinance as "prorated property") which acquire a situs within the Town of Onley on or after January second on each year. When "prorated property" acquires a situs within the Town of Onley on or after January second, the personal property tax for that year shall be assessed to the owner prorated on a monthly basis for the portion of the tax year during which the "prorated property" has situs within the Town of Onley. When "prorated property" with a situs in the Town of Onley is transferred to a new owner within the Town, the personal property tax shall be assessed to the new owner prorated on a monthly basis for the portion of the tax year during which the new owner owns the "prorated property". For purposes of proration, a period of more than one-half of

a month shall be counted as a full month and a period of less than one-half of a month shall not be counted. The owner of the "prorated property" acquiring situs within the Town of Onley or to whom "prorated property" is transferred shall file a declaration of property ownership with the Accomack County Commissioner of the Revenue within thirty (30) days of the date on which such property acquired a situs within the Town of Onley or has its title transferred to such owner.

SECTION 2. When any "prorated property" loses its situs within the Town of Onley or its title is transferred to a new owner, the taxpayer shall from that time be relieved from personal property tax toward "proration property" and receive a refund of personal property tax already paid, or a credit toward "personal property" newly transferred to the taxpayer, or a credit against personal property taxes outstanding against the taxpayer, at the option of the Town Clerk or Treasurer, on a monthly prorated basis, upon application to the Accomack County Commissioner of the Revenue, provided that the application is made within three (3) years from the last day of the tax year during which the "prorated property" lost situs or had its title transferred. The Town Clerk or Treasurer shall make a reasonable effort to ascertain and notify the taxpayer entitled to a prorated refund of personal property taxes pursuant to this subsection.

SECTION 3. When any person, after January first or situs date, acquires a motor vehicle within a Town of Onley situs, the tax shall be assessed on such "prorated property" for the portion of the tax year during which the new owner owns the "prorated property" and it has a situs in the Town of Onley. Notwithstanding any other date for billing and payment of personal property tax, the Town Clerk or Treasurer may bill any personal property taxes assessed for a portion of the tax year less than a full year on or after December 15th of each year. The tax shall be due and owing within thirty (30) days after the date of the tax bill.

SECTION 4. Any person who fails to pay personal property taxes on or before the date due as provided shall incur a penalty of ten percent (10%) of the tax due, which shall become part of the tax. Such tax and penalty shall bear an interest at a rate of ten percent (10%) per year, commencing on the first day such taxes are due.

SECTION 5. An exemption from this tax and any interest or penalties arising therefrom shall be granted for any tax share or portion thereof during which the property was legally assessed by another jurisdiction and proof is presented to the Accomack County Commissioner of Revenue indicating such tax on the assessed property was paid.

SECTION 6. Should any section, paragraph, sentence, clause or phrase of the Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

SECTION 7. This Ordinance shall become effective on October 5, 1998.

Approved: John Willis Kellam
John Willis Kellam, Mayor

Attest: Janet A. Child
Janet Child, Town Clerk