

TOWN OF ONLEY, VIRGINIA

ORDINANCE 002-18

JUNE 3, 2019

**AN ORDINANCE TO AMEND TOWN ORDINANCE 005-010 REGARDING
LOCAL VEHICLE LICENSE TAX**

WHEREAS, the Town Council of Onley enacted an annual local vehicle license tax, with certain limitations on January 3, 1989, under the authority of title 46-1, Chapter 3, Article 1 of the Code of Virginia; and

WHEREAS, the Town Council of Onley is authorized to enact an annual license fee pursuant to Sec. 46.2-752 of the Code of Virginia, as amended;

WHEREAS, it is the policy and purpose of the Town to collect such license fees and to issue decals for each motor vehicle, trailer, semi-trailer, and motor cycle registered by the Virginia Department of Motor Vehicles to residents of the Town of Onley; and

WHEREAS, the Town Council hereby desires to amend Ordinance 005-010 by providing an exemption from the license fee for all active fire department and emergency personnel members of the Eastern Shore;

NOW, THEREFORE, BE IT ORDAINED by the council of the Town of Onley that Ordinance 005-010 of the Town is amended and the following changes are adopted.

*State Law reference:

Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty, Code of Virginia §46.2-752.

Sec. 1 Required

It shall be unlawful for any owner or operator of any motor vehicle, trailer, semi-trailer or motorcycle that is normally garaged, stored or parked within the town to fail to pay the town vehicle license fee required by this Ordinance.

Sec. 2 License Year; when payable

For the purpose of this Ordinance, the license year shall extend from the fifteenth day of March to the tenth day of March of the next succeeding calendar years; and the license fee and tax levied hereunder shall be paid not later than the fifteenth day of April in each license year; and the license fee and tax on any such motor vehicle, trailer, semi-trailer, or motorcycle that may become subject

to license fee and tax after April 15 of any license year shall be prorated in the manner prescribed in Sec. 46.2-A. of the Code of Virginia of 1950, as amended; and further the license fee and tax shall not be required for any one motor vehicle owned and used personally by any disabled veteran eligible for special license plates under Sec. 46.2-739 of the Code of Virginia of 1950, as amended, nor shall the license fee and tax be required for any one motor vehicle owned and used personally by any active member of a fire department or emergency personnel member of the Eastern Shore.

Sec. 3 License Fee

There is hereby levied an annual fee and tax of \$27.00 upon each motor vehicle, trailer, semi-trailer, and motorcycle, which is normally garaged, parked or stored in the Town of Onley with the exception of those motor vehicles specially exempt from the imposition of such tax or license fee as identified in Sec, 2.

Sec. 4 Non-Transfer Provision

The license acquired pursuant to the provisions of this Ordinance shall not be transferrable to another motor vehicle, trailer, semi-trailer, or motorcycle. The owner must submit the old license and shall be issued a duplicate license for a fee of Two Dollars (\$2.00).

Sec. 5 Display of License Decal

License decals required pursuant to the provisions of this Ordinance shall be displayed in accordance with the regulations of the Virginia Department of State Police.

Sec. 6 Disposition of Revenue Derived from License Fee

Revenue derived from the license fee levied by this Ordinance shall be paid into the general revenue fund of the Town and applied to general town purposes.

Sec. 7 Payment of Personal Property Taxes

No motor vehicle, trailer, semi-trailer or motorcycle required to be licensed under the provisions of this Ordinance shall be issued a Town license unless or until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon said motor vehicle, trailer, semi-trailer or motorcycle to be licensed have been paid which have been properly assessed or are assessable against the applicant by the Town of Onley.

Sec. 8 Penalty

Any person who shall fail or refuse to purchase a Town license as provided by this Ordinance or shall fail or refuse to display same as required by this Ordinance shall be guilty of a misdemeanor the penalty for which shall not exceed that of a Class 4 misdemeanor. Further, town law enforcement officers may issue citations, summonses, parking tickets for a civil penalty of \$50.00, or uniform traffic summonses for violations of this Ordinance. Any such violation of this Ordinance by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained.

Sec. 9 Conflict with other Ordinances

All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby declared void and of no effect.

Sec. 10 Severability

If any provision of this Ordinance is held to be invalid, such invalidity shall not affect the remaining provisions.

Sec. 11 Effective Date

The effective date of this Ordinance shall be upon adoption this 3rd day of June, 2019.



Matthew Hart, Mayor

Attest:

Melissa Taylor
Melissa Taylor, Town Clerk

I certify that the foregoing is a true copy of an ordinance adopted on 6-3-19 by the Onley Town Council.

Melissa Taylor
Melissa Taylor, Town Clerk

Council voting:

- Woody Zember yes
- Susan Rillo yes
- Claudia Harmon yes
- Rose Pierson yes
- Billye D. Custis yes
- Ned Finney yes