

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-10-08

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of September, 2008:

Present:	Vote:
Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

Motion was made by Mr. Sparks, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING
CHAPTER 70, TRAFFIC AND VEHICLES TO
CLARIFY THE DATE UPON WHICH
LICENSE DECALS ARE TO BE DISPLAYED**

WHEREAS, the Treasurer has reported to the Board of Supervisors that there is ambiguity as to when license decals are required to be displayed on vehicles garaged in New Kent and has requested that the New Kent Code be amended to reflect a display date of January 1; and

WHEREAS, the Board of Supervisors wishes to make other updates to Section 70 to conform language to practice; and

WHEREAS, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on September 8, 2008, and carefully considered the public comment received; and

WHEREAS, the Board of Supervisors finds that the suggested changes to the ordinance are necessary for the efficient and equitable operation of the Treasurer's Office and the expectations of the residents;

NOW THEREFORE BE IT ORDAINED this, the 8th day of September, 2008, by the New Kent County Board of Supervisors that the following sections of Chapter 70 the New Kent County Code be amended and readopted by deleting the stricken words and inserting the underlined words shown below:

Sec. 70-53. License tax year; when tax payable.

The county vehicle license tax year shall commence on January 1 ~~December 5~~ of each year and shall expire on December 4 31 of each year, and the license decal shall be displayed on the vehicle, in accordance with Section 70-59, no later than January 1. The license tax shall be due and payable on or before December 5 ~~of the year in which due~~ in the year immediately prior to the tax year.

Sec. 70-54. Amount of annual license tax for classes of vehicles.

(h) License ~~tags or~~ decals will be issued free of charge to individuals or groups exempted from state motor vehicle licensing fees. Such groups include, but are not limited to, former POWs, disabled veterans and Medal of Honor winners.

Sec. 70-57. Refund when license no longer required.

(a) Every person holding a current motor vehicle ~~license plate or~~ license decal and disposing of the vehicle for which it was issued and not purchasing another vehicle of the same class for tax purposes shall be entitled to a refund of the unused portion of the license tax paid by him, upon a surrender, on or before June 30 of the then current license tax year, of the county ~~license plate or~~ license decal and the production of a certificate from the commissioner of the state department of motor vehicles or other proper state officer, that the state license plates and registration certificate have been surrendered. Such refund shall be one-half of the license tax paid and shall be made by the county treasurer.

(b) If a person holding a current motor vehicle license plate or another acting as that person's agent inadvertently purchases two motor vehicles license decals for the same vehicle, that person shall be entitled to a total refund for one vehicle license decal upon surrender of the vehicle ~~license tag or~~ decal to the treasurer.

Sec. 70-59. Application for and issuance and display of ~~tag or~~ decal.

Any person owning, leasing or having control of a motor vehicle, trailer or semitrailer coming under the provisions of this article shall make application for a license upon forms prescribed by the county treasurer and shall pay the applicable fee therefor. Upon payment of the required license tax he shall be issued a ~~license tag~~ decal which shall be conspicuously ~~placed upon the front or rear of the vehicle so licensed in such manner as to be plainly visible in the manner required for state license tags; or in lieu thereof, a decal, which shall be~~ affixed on the windshield at a location designated by the superintendent of the department of state police. Failure to display ~~license plates or~~ license decals shall be considered a violation of this article even though the license tax has been paid. No license ~~tag or~~ decal shall be placed upon any vehicle other than that for which it was issued and it shall be unlawful for any person to whom a ~~license plate or~~ license decal is issued upon the payment of any license tax prescribed in this article to give, loan, rent, sell, assign or transfer such ~~license plate or~~ license decal to another or otherwise permit another

to use in any manner such ~~license plate or~~ license decal during the license year for which the same is issued.

Sec. 70-60. Transfer.

License ~~tags or~~ decals may be transferred from one vehicle to another vehicle of the same class owned by the same applicant by presenting the ~~tag or~~ decal to the county treasurer for transfer for a fee as provided in appendix A to this Code. If the ~~tag or~~ decal is unavailable, the applicant may submit an affidavit stating that fact in lieu of actual presentation of the ~~tag or~~ decal. The county treasurer shall thereupon transfer the license and issue a new ~~tag or~~ decal to the vehicle to which such transfer is made. Five days shall be allowed for the transfer of such license ~~tag or~~ decal.

Sec. 70-61. Duplicate ~~tag or~~ decal when original lost.

A duplicate decal ~~or tag~~ shall be issued upon affidavit of the applicant that the original decal ~~or tag~~ has been lost. The charge for a duplicate decal ~~or tag~~ shall be as provided in appendix A to this Code.

Sec. 70-62. Records to be kept by county treasurer.

The county treasurer shall keep a record of each county license ~~tag or~~ decal issued by him, showing the number of such ~~tag or~~ decal, the person to whom it was issued, the make, model and engine number of the vehicle for which such ~~tag or~~ decal is issued and the state license number of such vehicle.

This ordinance shall be effective immediately.

John A. Budesky
County Administrator

James H. Burrell
Chairman