

May 2010

**NOW, THEREFORE, BE IT RESOLVED**, by the Russell County Board of Supervisors to establish a policy for the Russell County Emergency Management Department that in the event of an emergency, when a pre-disaster determination is required, that the Department of Emergency Management is hereby authorized to enter into written agreement for payment of negotiated emergency services with volunteer fire and rescue services, support agencies and other to ensure the safety and well being of the citizens of Russell County.

The vote was:

AYE: Shy Kennedy, Jon Bowerbank, Mike Puckett, Danny Brown, Bill Wampler and Bob Keene  
NAY: None

**APPROVAL OF VEHICLE DECAL ORDINANCE**

Motion made by Shy Kennedy, second by Bob Keene and duly approved by the Board of Supervisors to approve the following:

**RUSSELL COUNTY VEHICLE LICENSES\***

\*State law references: Local vehicle license, Code of Virginia, § 46.2-752 et seq.

**Sec. 1.1. Vehicles subject to tax.**

(a) Every motor vehicle, trailer and semitrailer that is normally garaged, stored, or parked within this county shall be subject to a license tax as provided in this Ordinance. If it cannot be determined where the personal property is normally garaged, stored, or parked, or if the owner is a student attending an institution of higher education, the vehicle shall be subject to the license tax if the owner has his domicile in this county.

(b) Nothing in this article shall be construed to require the payment of a license tax on vehicles which are exempted from registration, personal property taxes, the county vehicle license tax or under any provision of state law.

(c) The following vehicles are exempt from the license tax pursuant to Code of Virginia, § 46.2-752:

(1) Vehicles owned by volunteer rescue squads or volunteer fire departments.

(d) In recognition of the valuable contribution and service provided to the safety, security and welfare of the citizens of the United States, by residents of Russell County, serving or having previously served in the armed services of the United States, the Board of Supervisors hereby waives the vehicle license fee for members of the armed services subject to the specific provisions of this section.

1) For 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.

2) On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the armed services of the United States, the Treasurer of Russell County shall issue a county vehicle decal to such applicant, for one vehicle, free and exempt from the county vehicle license fee.

Unmarried surviving spouses of persons eligible for exemption under this subsection may also be issued an exempt county vehicle decal under this subsection.

3) This section applies only to individuals who own vehicles subject to the vehicle license fee in the county and does not apply to individuals who own vehicles license and/or taxed in the incorporated towns within the county or in other localities.

4) An individual applicant is entitled to only one free county decal under this section.

- 5) In order to qualify for the waiver provision of this section, the vehicle for which the exempt ordinance is issued must be individually or jointly registered in the name of the applicant qualified for the waiver under this subsection.
- 6) an individual is not entitled to a waiver of the license fee if there are any outstanding delinquent taxes owing to the county in his/her name, or in his/her name jointly with another.
- 7) No county decal shall be issued until the applicant for such decal shall have produced satisfactory evidence that all personal property taxes upon all motor vehicles owned by the applicant and all delinquent taxes owed the county have been paid.
- 8) The Treasurer of Russell County shall be responsible for taking and processing the applications for the Waiver provided for in this subsection. The County Administrator shall develop, periodically amend, and provide to the Treasurer form application s for the Waiver provided for in this subsection.

**State law reference:** Exemptions from registration, limitations on imposition of license tax, Code of Virginia §§ 46.2-662 et seq., 46.2-730, 46.2-744-46.2-746, 46.2-752, 46.2-755, 58.1-3210 et seq.

#### **Section 1.1(A) Exempt vehicles to obtain license.**

Any motor vehicle, trailer, semitrailer, motorcycle, motor-scooter or motorbike exempted herein shall be issued a license in the same manner as if it were not so exempt. There shall be no charge for the issuance of any such license.

#### **Section 1.2. Annual license tax imposed; amount of tax; driving unlicensed vehicle prohibited; license tax levied and billed; purpose of tax.**

- (a) There is hereby levied and assessed upon each motor vehicle, trailer and semitrailer subject to tax under the provisions of this ordinance an annual license tax, in the amount of \$15.00. There is hereby levied and assessed upon each motorcycle, motor-scooter, motorbike subject to tax under the provisions of this ordinance an annual license tax, in the amount of \$8.00. It shall be unlawful for any person to drive or propel any motor vehicle, trailer, semitrailer, motorcycle, motor-scooter, or motorbike upon any street, road or highway in the county without the license tax having been paid.
- (b) It shall be unlawful for any person to deposit solid waste at any solid waste refuse site operated by the county at any solid waste facility in the county without displaying a county windshield tag or decal.
- (c) The license tax shall be levied and collected in the same manner as the personal property tax on motor vehicles, trailers, semitrailer, motorcycle, motor-scooter, or motorbike is levied and collected. The license tax shall be levied in addition to any personal property tax levied on any motor vehicle, trailer, semitrailer, motorcycle, motor-scooter, or motorbike.
- (d) The license tax imposed herein shall be billed to taxpayers at the same time as the personal property tax on motor vehicles and the two taxes will be imposed in a single combined bill. If any portion of the combined bill is not paid timely, late payment penalty and interest charges shall apply to the balance.
- (e) All revenues generated by the license tax imposed pursuant to this ordinance shall be for the purpose of providing revenue for the general fund of the county.

**State law references:** Code of Virginia, § 46.2-752.

#### **Section 1.3. License tax agent.**

The treasurer of the county is hereby designated the license agent.

#### **Section 1.4. License tax year; use of windshield tags or decals.**

The period during which a windshield tag or decal issued under this article is valid shall run from January 1 of each calendar year and shall expire on December 31 of the same calendar year. In no event shall any windshield tag or decal be used beyond December 31 of the license period for which it is issued.

#### **Section 1.5. Payment of personal property taxes prior to issuance.**

(a) No windshield tag or decal shall be issued under this article for any motor vehicle, trailer, semitrailer, motorcycle, motor-scooter or motorbike unless and until the applicant for such license shall have produced satisfactory evidence that all prior year's license tax and personal property tax upon all motor vehicles, trailers, semitrailer's, motorcycle's, motor-scooter's or motorbike's owned by the applicant have been paid which have been properly assessed or are assessable against the applicant.

(b) A windshield tag or decal may be issued to an applicant before payment of the current year personal property tax on the vehicle subject to this ordinance, provided that all prior year's license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the county.

#### **Section 1.6. Display of windshield tag and decal.**

Each windshield tag issued under this article shall be affixed on the inside of the windshield of the vehicle. It shall be placed adjacent to the state inspection sticker and not more than three inches from the bottom of the windshield. Each decal issued under this ordinance shall be affixed to motorcycles, motor-scooters or motorbikes on the front fork or plate affixed to the frame and adjacent to the state safety inspection sticker.

#### **Section 1.7. Transfer and replacement of windshield tag or decal.**

(a) Any owner who has paid a license tax required under this ordinance for any motor vehicle, trailer, semitrailer, motorcycle, motor-scooter, or motorbike for which a windshield tag or decal was issued may transfer the tag or decal to another motor vehicle, trailer, semitrailer, motorcycle, motor-scooter, or motorbike registered in such owner's name, provided the vehicle to which the tag or decal is transferred is a like vehicle and category as specified in this ordinance and requires an identical tag or decal accompanied by a fee of \$1.00.

(b) Any owner who has paid a license tax required under this article for any motor vehicle, trailer, semitrailer, motorcycle, motor-scooter, or motorbike for which a tag or decal was issued may obtain a replacement tag or decal for use on another vehicle registered in such owner's name, upon the presentation of the registration card for the vehicle for which the replacement tag or decal is sought and pieces of the previously issued license tag or decal as proof that it was removed from the vehicle for which the license tax was previously paid, accompanied by a fee of \$1.00.

#### **Section 1.8. Applicability to residents of incorporated towns within the county.**

The provisions of this article are applicable to the residents of the incorporated towns located within the county. If an incorporated town imposes a motor vehicle license fee for town residents, a credit will be granted for the full amount paid for the town license in connection with the amount of the county license fee imposed pursuant to this ordinance upon presentation of a paid receipt for the town motor vehicle license fee. No County license shall be issued to any town resident unless county personal property taxes have been paid in accordance with this ordinance.

**State law references:** Authority to exempt, Code of Virginia § 46.2-752E

#### **Section 1.9. Penalty; issuance of summons.**

(a) Violations of the requirements of this article shall be punished as a class 4 misdemeanor as provided in Code of Virginia § 18.2-11, as amended.

(b) Violations shall be issued upon a uniform summons by any law enforcement officer in the county and the Sheriff and all deputies, police officers of Russell County, members of the Virginia State Police are hereby authorized to issue summons in writing to the violators of this ordinance.

(c) All fines shall be recoverable before the general district court and payable to the treasurer of the county.

**State law references:** Tax and license fees imposed by counties code of Virginia, § 46.2-752(G).

**Section 1.10. Grace period for payment of tax by persons purchasing vehicle.**

Purchasers of new or used motor vehicles shall be allowed a thirty (30) day grace period, beginning with the date of purchase, during which to pay license fees charged by the county.

**State law references:** Similar provisions, Code of Virginia, § 46.2-752(l).

The vote was:

AYE: Shy Kennedy, Bob Keene, Mike Puckett, Danny Brown, Bill Wampler and Jon Bowerbank  
NAY: None

**RESOLUTION – TRAIL PLAN**

Motion made by Shy Kennedy, second by Bill Wampler and duly approved by the Board of Supervisors to approve the following resolution:

**WHEREAS**, the Southwest Regional recreation Authority wishes to apply to the Virginia Tobacco Indemnification and Community Revitalization Plan for the proposed regional multi-use trail in Southwestern Virginia known as Spearhead Trail; and

**WHEREAS**, the development of the Spearhead Trail system will create immense positive economic impact for southwest Virginia and further enhance diverse adventure tourism opportunities; and

**WHEREAS**, the Southwest Regional Recreation Authority is seeking additional funding to reduce grant funds sought; and

**WHEREAS**, the Trail Development Implementation Plan will develop a prioritized implementation plan for the regional multi-use trail system in Buchanan, Dickenson, Tazewell, Wise, Russell, Scott and Lee Counties and the City of Norton.

**NOW, THEREFORE, BE IT RESOLVED** that the Russell County Board of Supervisors supports submission of grant applications to fund the preparation of the Trail Development Implementation Plan by the Southwest Regional Recreation Authority.

The vote was:

AYE: Shy Kennedy, Bill Wampler, Mike Puckett, Danny Brown, Jon Bowerbank and Bob Keene  
NAY: None

**KIDS FISHING DAY**

Motion made by Bill Wampler, second by Jon Bowerbank and duly approved by the Board of Supervisors to purchase five (5) \$50.00 bonds for Kids Fishing Day.

The vote was:

AYE: Bill Wampler, Jon Bowerbank, Danny Brown, Mike Puckett, Bob Keene and Shy Kennedy  
NAY: None

**CLOSED SESSION**

Motion made by Jon Bowerbank, second by Bob Keene and duly approved by the Board of Supervisors to go into closed session to discuss the following as permitted by Virginia Code § 2.2-3711 (A) (1) pertaining to personnel for consultation with the County Attorney.