

JULY 3, 1981

At a regular meeting of the Russell County Board of Supervisors held on Friday, July 3, 1981, in the Russell County Courthouse, Lebanon, Virginia, at 10:00 A. M.

PRESENT: Harold B. Mitchell, Chairman
Danny L. Brown, Vice Chairman
J. L. Porter, III, Member
Dr. Roy R. Smith, Member at Large

James A. Gillespie, Clerk of the Board
John S. Bundy, Attorney

The chairman called the meeting to order and welcomed those present.

VOICE OF TIE BREAKER

L. T. Phillips, Russell County Board of Supervisors Tie Breaker, appeared before the Board to cast his vote on the tie vote to appoint a member to the Southwest Virginia Community College Advisory Board.

The Chairman requested if Mr. Phillips would like the motion reread or if he had questions to ask of the Board of Supervisors. Mr. Phillips stated that he cast his vote for Mr. Steve Banner.

**UTILITY TAX ORDINANCE
AND
VEHICLE LICENSE ORDINANCE**

The Board of Supervisors discussed at length the Utility Tax Ordinance stating their displeasure that an exemption for the indigent elderly could not, under present state law, be written into the ordinance. The Board unanimously agreed to delay action, until later in the meeting, so further consideration could be given.

Upon motion by Danny Brown, second by J. L. Porter and unanimously approved by the Board of Supervisors to adopt the following resolution:

COUNTY VEHICLE LICENSE ORDINANCE

1.

There shall be levied and assessed a license fee for Russell County from the owner of every motor vehicle, as hereinafter specified.

2.

This ordinance is applicable to all motor vehicles, as defined in Section 46.1-1(15) of the Code of Virginia of 1980, normally garaged, stored or parked in Russell County.

This ordinance shall not apply to any motor vehicle when: (1) a similar tax or license fee is imposed by a city, town or other county wherein such motor vehicle is normally garaged, stored or parked. In the event that it cannot be determined where the motor vehicle is normally garaged, or parked, the licensing situs shall be determined by the domicile of the owner of the motor vehicle; (2) the motor vehicle is owned by a non-resident of Russell 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 when the motor vehicle is owned by a nonresident and is used for transporting into and within Russell County from the 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; the motor vehicle is owned by an officer or employee of the State of Virginia who is a nonresident of Russell County and who uses the vehicle in the performance of

his duties for the Commonwealth under an agreement for such use; the motor vehicle is kept by a dealer or manufacturer for sale or for sales demonstration; the motor vehicle is operated by a common carrier of persons or property operating between cities and towns in this State 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.

3.

This ordinance shall not apply to any 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 veterans exemption from the Division of Motor Vehicles and has been issued a disabled veterans motor vehicle license plate as prescribed in Section 46.1-149.1 of the Code of Virginia.

4.

Any person, firm or corporation moving into Russell County shall have thirty days within which to purchase the license required hereby.

5.

The license fee on automobiles, passenger vehicles and buses shall be \$15.00.

6.

The license fee on a motorcycle, motorscooter or motorbike shall be \$8.00 with or without side car.

7.

The license fee on each and every truck, ambulance and similar vehicle shall be the amount of the license tax imposed by the Commonwealth of Virginia on vehicles of like class; but provided further, that in no event shall the license fee exceed the sum of \$15.00.

8.

No motor vehicle shall be licensed by Russell County unless and until the applicant of such license shall have produced satisfactory evidence that all personal property taxes upon such motor vehicle to be licensed shall have been paid which have been properly assessed against the applicant by Russell County.

9.

The license fee year shall begin on the 15th day of May and shall expire on the 14th day of May of each and every year hereafter, with the first license fee year hereunder commencing on the July 3, 1981.

10.

Only one-half of the license fee prescribed by this ordinance shall be assessed and collected whenever any such license fee first becomes assessible during the period beginning on the 1st day of October in the same license fee year. Every license issued upon the payment of the license fee thereon shall expire at the end of the license fee year in which the same was issued.

11.

Any person holding a current sticker or emblem who disposes of the vehicle for which it was issued and does not purchase another vehicle may surrender the sticker or emblem to the Treasurer of Russell County with a statement that the vehicle for which the sticker or emblem was issued has been sold or otherwise disposed of and may request a refund for the unused portion of the fee paid.

Upon presentation of the claim for refund to the Treasurer of Russell County, there shall be refunded to the applicant, one-half of the total cost of the sticker or emblem if application for such refund is made on or before the 15th day of November of the current license year. No refund shall be made when the application therefore is made after the 15th day of November of the current license year.

12.

Any person, firm or corporation coming under the provisions of this ordinance shall make application for license upon such form as may be prescribed by the Board of Supervisors of Russell County. Upon payment of the required fee, the Treasurer shall issue as evidence of payment stickers or emblem which shall be conspicuously placed upon the front-windshield of the vehicle, in such manner as to be plainly visible in the manner prescribed for State stickers or emblems.

Failure to display such sticker or emblem shall be a violation of this ordinance even though the license fee has been paid. No such sticker or emblem shall be placed upon any vehicle other than that for which it was issued. However, such sticker or emblem may be transferred from one vehicle to another vehicle in the same manner and under the same conditions as provided by the laws and regulations governing the transfer of State license tags.

The Treasurer of Russell County is hereby designated as agent of the Board of Supervisors of Russell County, Virginia, to accept applications for motor vehicle licenses, and to accept payment of the required fee hereunder and to issue as evidence stickers or emblems of the Russell County commencing on March 1 of each year.

13.

The revenue derived from all such motor vehicle license fees under this ordinance shall be paid to the Treasurer of Russell County and deposited into the general revenue funds for Russell County.

14.

A duplicate sticker or emblem shall be issued upon the affidavit of applicant that the original sticker or emblem has been lost or destroyed. The charge for the duplicate sticker or emblem shall be \$1.00.

15.

Nothing in this ordinance shall be construed to require a sticker or emblem of any person, firm or corporation exempted under the laws of the Commonwealth of Virginia.

16.

The Treasurer of Russell County shall keep a record of each such sticker or emblem issued, showing the number of such sticker or emblem, name and address of the person to whom it was issued, and make and model of the vehicle for which such sticker or emblem was issued.

17.

Any person, firm or corporation who owns or operates a motor vehicle which does not properly display a sticker or emblem in compliance with this ordinance shall be in violation of this ordinance and shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than \$25.00 nor more than \$300.00, and by confinement in jail not to exceed thirty days, either or both; and the trial of all violations of this ordinance shall be enforced by proceedings before the Judge of the Russell County General District Court, in the manner and with like rights of appeal as is provided in misdemeanor cases; and the Sheriff and all deputies and police officers of Russell County are hereby authorized to issue summons in writing to the violators of this ordinance to appear before said Court. All fines collected from any person, firm