

INTRODUCED: May 8, 2017

AN ORDINANCE No. 2017-097

To amend City Code §§ 26-977, concerning vehicle license fees for motor vehicles, and 26-979, concerning vehicle license fees for certain automobiles, trucks, trailers and semitrailers, for the purpose of reflecting amendments to Va. Code § 46.2-755.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 22 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 26-977 and 26-979 of the Code of the City of Richmond (2015) be and are hereby **amended** and reordained as follows:

Sec. 26-977. Same—Vehicle license fees.

(a) Every automobile designed and used in the transportation of passengers operated on the City streets in the business or for the private use or benefit of the owner thereof, the weight of which is 4,000 pounds or less, which weight shall be determined in the same manner as provided in State law for assessing the annual registration fee for such vehicle, shall be subject to a vehicle

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 22 2017 REJECTED: _____ STRICKEN: _____

license fee in an amount equal to the equivalent fee imposed by the Commonwealth of Virginia under Code of Virginia, § 46.2-694.

(b) Every automobile designed and used in the transportation of passengers operated on the City streets in the business or for the private use or benefit of the owner thereof, the weight of which is in excess of 4,000 pounds, which weight shall be determined in the same manner as provided in State law for assessing the annual registration fee for such vehicle, shall be subject to a vehicle license fee in an amount equal to the equivalent fee imposed by the Commonwealth of Virginia under Code of Virginia, § 46.2-694.

(c) Nothing in this section shall be construed to require the payment of a license fee on automobiles exclusively employed in transporting fuel, provisions, manure or other things to be used only at the owner's farm or dwelling; on motor vehicles, trailers, or semitrailers that are exempt from motor vehicle license taxes and fees pursuant to Code of Virginia, 46.2-755; ~~nor~~ or by persons who do not actually reside in the City and who do not use their automobiles in the City in the conduct of their business, occupation or profession. The term "reside," as used in this subsection, shall be construed to mean "to have a place of abode in the City," irrespective of the intention of any person to return to some other residence outside of the City at some future time.

(d) Effective January 1, 2006, the vehicle license fee period shall be on a calendar year basis. This change is applicable for any vehicle identified in Sections 26-885 through 26-889 and Sections 26-976 through 26-979. For each vehicle registered with the Virginia Department of Motor Vehicles on or before December 31, 2005, and on which the City has received the payment of the City license fee for the period ending April 30, 2006, the 2006 license fee will be adjusted effective January 1, 2006, to properly reflect payment of the license fee for the period May 1, 2005 through April 30, 2006. Vehicles that were garaged or parked in the City at any time from January

1 through June 30 of each calendar year shall be billed for the full amount of the appropriate vehicle license fee. Any vehicles garaged or parked in the City at any time after June 30 of each calendar year shall be billed for one-half of the appropriate vehicle license fee.

Sec. 26-979. Same—Trucks, trailers, etc.

(a) As used in this section, the term “gross weight” means the aggregate of a vehicle or combination of vehicles and its load.

(b) ~~Every~~ Except as provided in Section 26-977 for motor vehicles, trailers, or semitrailers that are exempt from motor vehicle license taxes and fees pursuant to Code of Virginia, § 46.2-755, every automobile, truck, trailer, semitrailer or autowagon, not designed and used for the transportation of passengers, operated on the City streets shall be licensed, and the vehicle license fee therefor shall be determined by the gross weight of the vehicle or combination of vehicles of which it is a part when loaded to the maximum capacity for which it is registered. For each 1,000 pounds of gross weight or major fraction thereof for which any such vehicle is taxable, there shall be paid to the City for the license a vehicle license fee as set forth in Appendix A to this Code.

(c) For a combination of a tractor-truck and a trailer or semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle. However, for the purpose of determining the gross weight group into which any such vehicle falls pursuant to Subsection (b) of this section, the combination of vehicles of which such vehicle constitutes a part shall be considered a unit, and the aggregate gross weight of the entire combination shall determine such gross weight group. The vehicle license fee for a tractor-truck shall be as set forth in Appendix A to this Code. The vehicle license fee to be paid on account of any trailer or semitrailer

which constitutes a part of any such combination of vehicles shall be as set forth in Appendix A to this Code.

(d) It shall be unlawful for any person to operate or to permit the operation of any motor vehicle, trailer or semitrailer for which the vehicle license fee prescribed by Subsection (b) of this section on any City street under any of the following circumstances:

- (1) Without first having paid the vehicle license fee prescribed;
- (2) Without having painted on each side thereof the empty weight of such vehicle and the gross weight on the basis of which it is subject to be licensed; or
- (3) If, at the time of any such operation, the gross weight of the vehicle or of the combination of vehicles of which it is a part is in excess of the gross weight on the basis of which it is taxable.

The license inspector or any deputy, having reason to believe that the gross weight of any motor vehicle, trailer or semitrailer being operated on any City street exceeds that on the basis of which such vehicle is registered, is authorized to weigh the motor vehicle, trailer or semitrailer by such means as the inspector may prescribe, and the operator or other person in possession of such vehicle shall permit such weighing whenever requested by such officer. Every person who violates any provision of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5.00 nor more than \$500.00 or by confinement in jail for not more than 60 days, or by both such fine and imprisonment.

(e) The City vehicle license fee to be paid to the City by the owner of a one- or two-wheeled trailer with a body length of not more than nine feet and a width not greater than the width of the motor vehicle to which it is attached at any time of operation, to be attached to the owner's own motor vehicle and used only for carrying property belonging to the owner of such trailer, not

to exceed 1,000 pounds at any one time, shall be as set forth in Appendix A to this Code. Every trailer or semitrailer designed for use as living quarters for human beings shall be subject to a flat annual vehicle license fee as set forth in Appendix A to this Code. No such trailer shall be operated, propelled or drawn over the City streets unless and until such vehicle license fee is paid, provided that this requirement does not apply to nonresidents if such trailer is properly licensed in such nonresident's home state.

(f) The City vehicle license fee to be paid by the owner of any motor vehicle, trailer or semitrailer, upon which well drilling machinery is attached and which is permanently used solely for transporting such machinery, shall be as set forth in Appendix A to this Code.

§ 2. This ordinance shall be in force and effect as of July 1, 2017.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-6402
MAR 31 2017

Office of the
Chief Administrative Officer

RECEIVED

APR 27 2017

O&R REQUEST OFFICE OF CITY ATTORNEY

DATE: March 24, 2017 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten initials and date 4/24/17

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Lenora G. Reid, Deputy CAO, Finance and Administration

Handwritten initials and date 3/30/17

FROM: John B. Wack, Director of Finance

Handwritten initials JBW

RE: Ordinance to Amend City Code § 26-977 and 26-979

ORD. OR RES. No. _____

PURPOSE: To amend City Code § 26-977 and § 26-979 concerning vehicle license fees, for the purpose of reflecting amendments to Code of Virginia § 46.2-755

REASON: Chapter 372 of the Acts of Assembly of 2017 amends Code of Virginia § 46.2-755, relating to motor vehicle license taxes and fees to exempt from motor vehicle license taxes and fees certain antique motor vehicles, trailers, and semitrailers. This new law will become effective on July 1, 2017. Sections 26-977 and 26-979 of the City Code currently impose vehicle license fees on certain automobiles, trailers, and semitrailers, which includes certain antique motor vehicles, trailers, and semitrailers to be exempted by Chapter 372 of the Acts of Assembly of 2017 on July 1, 2017. Therefore, City Code §§ 26-977 and 26-979 must be amended to be in compliance with Va. Code § 46.2-755, as amended by the General Assembly.

RECOMMENDATION: The City Administration recommends adoption.

BACKGROUND: As City Code § 26-977 and 26-979 impose vehicle license fees on automobiles, trailers, and semitrailers, which includes certain antique vehicles, trailers and semitrailers to be exempted by Chapter 372 of the Acts of Assembly of 2017, those sections must

be amended to expressly exclude such vehicles, trailers, and semitrailers from the imposition of the vehicle license fee.

FISCAL IMPACT / COST: None

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: July 1, 2017

REQUESTED INTRODUCTION DATE: May 8, 2017

CITY COUNCIL PUBLIC HEARING DATE: May 22, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Finance & Economic Development

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Department of Finance

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Text of proposed City Code amendments

STAFF: Jacqueline Hewitt, Revenue Manager 646-2235