

ARTICLE 7. - TOWN VEHICLE ~~LICENSES~~REGISTRATION LICENSE FEE^[5]

Footnotes:

--- (5) ---

State Law reference— State law authorizing Town to require vehicle licenses, Code of Virginia, §§ 46.2-752, 46.2-755.

Sec. 9-64. - License fee imposed.

There is hereby imposed a Town vehicle registration license fee upon the owner of any motor vehicle owned or regularly used by persons residing within the Town, regularly housed or stored in the Town, used or operated upon the streets and highways of the Town; and upon nonresident owners of motor vehicles when used in the conduct of any business or occupations within the Town. This Code section is adopted pursuant to the authority granted by article 11, section 46.2-752 of the Code of Virginia.

(Code 1962, § 8-11; Code 1969, § 9-64; Ord. of 4-3-1967; Ord. of 2-8-1971; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. of 6-17-2013, § 1; Ord. No. 2013-005, § 1, 6-17-2013)

Sec. 9-65. - License required; exceptions.

The Council hereby adopts the following provisions of the Fairfax County Code, article 17.2, sections 4-17.2-2 through 4-17-2.3, as amended:

Except where exempted under state law, every person owning a motor vehicle, trailer or semi-trailer, regularly housed or stored in the Town, used or intended to be used or operated upon the streets and highways in the Town, shall make application for and procure a Town motor vehicle license; except, ~~the non-domiciliary members of the armed forces of the United States temporarily residing in the Town as a result of military or naval assignment while on active duty shall not be required to pay the license fee. The provisions of this section shall not apply to tractors, road rollers and road machinery used for highway purposes; tractor engines, locomotive engines, electric cars running on rails; motor vehicles, trailers or semi-trailers owned by the Commonwealth or by any political subdivision thereof, or by the United States Government; vehicles held or used for sale by any manufacturer or dealer in such vehicles. the following:~~

Any motor vehicle owned by the state or any political subdivision thereof or is owned by the United States government;

(b) Any motor vehicle, owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their family members and employees, who are nationals of the state by which they are appointed and are not citizens of the United States;

(c) Any motor vehicle whose owner is on full-time active duty in the military service absent from his state of residence or domicile, which vehicle is normally garaged, stored or parked in the County or on a United States military base within the geographic boundaries of the County and registered in this state or any other jurisdiction. The local vehicle registration license fee shall also not be applicable to a qualifying spouse of a military service member pursuant to this subsection. For purposes of this subsection, a qualifying spouse of a military service member shall mean that a spouse of a servicemember shall neither lose nor acquire domicile for purposes of the local vehicle registration license fee by reason of being present in Fairfax County solely to be with the servicemember in compliance with the servicemember's military orders if the domicile is the same for the servicemember and the spouse.

(d) Any motor vehicle owned by a person who is granted tax relief in accordance with Chapter 4, Article 16.1 of the Fairfax County Code for that vehicle. Within any given household, this relief shall apply to one and only one vehicle;

(e) Any motor vehicle used as a daily rental passenger vehicle;

(f) Upon proof of State qualification and payment of the appropriate personal property tax, the following eligible applicants are entitled to exemption from the local vehicle registration license fee on one and one only vehicle:

(1) Any disabled veteran, as defined and licensed under Virginia Code § 46.2-739 and 46.2-755(B);

(2) Any honorably-discharged prisoner of war as defined and licensed under Virginia Code §46.2-746;

(3) Any person awarded the Medal of Honor as defined and licensed under Virginia Code §46.2-745;

(4) Any member of the Virginia National Guard as defined and licensed under Virginia Code §46.2-744; and,

(5) Any owner of antique motor vehicles as defined and licensed under Virginia Code §46.2-730.

(g) The local vehicle registration license fee shall not be applicable to vehicles owned by the following:

(1) Vehicles owned by volunteer rescue squads;

(2) Vehicles owned by volunteer fire departments;

(3) Vehicles owned or leased by auxiliary police officers;

(4) Vehicles owned or leased by auxiliary police chaplains;

(h) The local vehicle registration license fee shall not be applicable to vehicles owned by the following:

(1) Vehicles owned or leased by active members of volunteer fire departments; and

(2) Vehicles owned or leased by active members of volunteer rescue squads

(3) In the case of active members of volunteer rescue squads and volunteer fire departments, applications to the Department of Tax Administration (DTA) for exemption from a local vehicle registration license fee shall be accompanied by written evidence, in a form acceptable to the locality of their active membership, and no member shall receive a fee exemption for more than one and only one vehicle. (12-10-4.)

Formatted: Normal

(Code 1962, § 8-12; Code 1969, § 9-65; Ord. of 4-3-1967; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. of 6-17-2013, § 1; Ord. No. 2013-005, § 1, 6-17-2013)

Sec. 9-66. - Amount of fee; proration of fee.

~~On each vehicle to which this article is applicable, there shall be a fee of \$33.00 per annum collected whenever any Town licenses are issued during the period beginning as of July 1, 2010. On each motorcycle, with or without a sidecar, there shall be a fee of \$18.00. Vehicles and motorcycles with situs in the Town of Vienna shall be liable for the Town license fee under article 7 for the full fiscal year 2010-2011, and shall be subject to monthly proration beginning in fiscal year 2011-2012.~~

~~Any person holding such Town license for any such vehicle who disposes of the vehicle or removes the vehicle from the corporate limits of the Town of Vienna and obtains a local vehicle license from the county, city or town to which the vehicle is removed may, upon submitting proof of disposal or removal to the director of finance during the license year for which such license is valid and request a prorated refund from the director.~~

Formatted: Normal

The amount of the annual local vehicle registration license fee pursuant to this Article shall be as follows as prescribed in section 4-17.2-3 of the Fairfax County Code. The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle. For purposes of this Article, and consistent with the Virginia Department of Motor Vehicles (DMV).

(a) the manufacturer's shipping weight shall be interpreted as the "empty weight" for passenger cars as listed in the Virginia DMV records;

(b) the manufacturer's shipping weight shall be interpreted as the "gross vehicle weight" for trucks, to include pick-up trucks, as listed in the Virginia DMV records.

(1) Eighteen dollars for motorcycles;

(2) Twenty-three dollars for any taxicab or other vehicle which is kept for rent or hire operated by a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Department of Motor Vehicles as required by law. An additional fee of five dollars shall be charged if the weight of the vehicle is more than 4,000 pounds;

(3) Twenty-three dollars for a bus used exclusively for transportation to and from church school, for the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of the vehicle exceeds 4,000 pounds, the fee shall be \$28.00;

(4) Thirty-three dollars for all other vehicles with a weight of 4,000 pounds or less;

(5) Thirty-eight dollars for all other vehicles with a weight of more than 4,000 pounds. (12-10-4.)

Formatted: Normal

(Code 1962, § 8-15; Code 1969, § 9-66; Ord. of 4-1967; Ord. of 2-1971; Ord. of 7-1972; Ord. of 12-1974; Ord. of 8-1975; Ord. of 3-15-1976(eff.); Ord. of 12-1984; Ord. of 6-1990; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. No. 2013-005, § 1, 6-17-2013)

Sec. 9-67. - Assessment of fee, payment of fee;~~issuance of license.~~

Obligation to obtain a Town of Vienna vehicle license registration fee is established upon purchasing or moving a vehicle into the corporate limits of the Town of Vienna. The vehicle license fee shall be assessed annually pursuant to the conditions established under article 17.1 of the Fairfax County Code. The due date shall be October 5 of each year for vehicles located in the Town on or after January 1. The due date for vehicles brought or located in the Town on or after July 1 shall be February of the following year.

(Code 1969, § 9-67; Ord. of 5-1972; Ord. of 11-1982; Ord. of 9-1984; Ord. of 10-1987; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. of 6-17-2013, § 1; Ord. No. 2013-005, § 1, 6-17-2013)

Sec. 9-68. - Penalty for late payment.

Penalty for late payment shall be on the total of the vehicle license registration fee and the Fairfax County personal property tax on the vehicle as proscribed in chapter 4, section 4-17.1-7 of the Fairfax County Code.

Any person who fails to apply for and procure a Town vehicle license by the due date specified in section 9-67, shall be fined not more than \$25.00.

(Code 1969, § 9-68; Ord. of 4-3-1995; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. of 6-17-2013, § 1; Ord. No. 2013-005, § 1, 6-17-2013)

Sec. 9-69. — Relief from Town vehicle license fee to low income elderly or permanently and totally disabled residents.

(a) The council finds that persons who are 65 years of age or older or permanently and totally disabled who receive low incomes as defined by section 6-4.2 of the Code of Vienna who are the owners of automobiles are in need of public relief from the payment of Town automobile license fees for such automobiles.

Any person who is on January 1 of any year 65 years of age or older or permanently and totally disabled and is the registered owner or co-owner of an automobile subject to charge for Town licenses may apply for relief from the payment of such licenses provided that:

The person applying for the relief has qualified for real estate property tax relief or rental relief or personal property tax relief under the provisions of the applicable Fairfax County and Town of Vienna ordinances.

If the automobile for which relief is sought is co-owned, all owners must be 65 years of age or older or permanently and totally disabled as set forth in section 6-4.2(a) of the Code of Vienna, except that the applicant's spouse need not have attained the age of 65 or be permanently or totally disabled.

(b) Within any given household, this relief shall apply to one and only one vehicle.

(c) The application for relief from the payment of such automobile license is to be filed on forms to be furnished [to] such person(s) by the director of finance upon request. Any such application for relief shall be made at the office of the director of finance in writing and shall be filed on or before April 1 of the year preceding the fiscal year for which such relief is sought; provided, that application for relief for the fiscal year 2010-2011 by persons permanently and totally disabled shall be accepted until July 31, 2010.

(d) The director of finance is authorized to accept late filing of applications hereunder when filed by first time applicants and in any case where the director finds that the late filing was the result of a hardship case.

(e) Any change in respect to eligibility for real estate tax relief or rental relief, ownership of the automobile, or other applicable factors, which occurs during the year for which the application is filed, and which has the effect of exceeding or violating the limitations and conditions of this article, shall nullify any exemption for the current taxable year and the taxable year immediately following.

(Code 1969, § 9-69; Ord. of 9-11-1972; Ord. of 2-3-1975; Ord. of 1-23-1978; Ord. of 4-2-1979; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. of 6-17-2013, § 1; Ord. No. 2013-005, § 1, 6-17-2013)

Sec. 9-70. — Exemption of certain disabled veterans.

~~No annual license fee prescribed in this article shall be required for any one motor vehicle owned and used personally by any disabled veteran who has qualified for exemption from state annual automobile registration fees pursuant to § 46.2-739 of the Code of Virginia, 1950 as amended.~~

Any exemption applied for under this section shall not be granted until the applicant first provides to the director of finance, or his designate, proof satisfactory to the director that the said applicant has first qualified for exemption from state annual registration fees pursuant to § 46.2-739 of the Code of Virginia, 1950 as amended.

The ~~adopting and reinstatement amendment~~ of article 7, chapter 9 of the Town Code, shall become effective on ~~July 1, 2019~~ July 1, 2018, and following notice of adoption by the Town Council.

(Code 1969, § 9-70; Ord. of 1-7-1974; Ord. of 4-7-2008; Ord. of 5-10-2010; Ord. No. of 6-17-2013, § 1)