

ACTIONS
Board of Supervisors Meeting of July 6, 2016

July 11, 2016

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m. by the Chair, Ms. Palmer. All BOS members were present. Also present were Greg Kamptner and Travis Morris. 		Link to video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
5. Brief Announcements by Board Members. <u>Rick Randolph:</u> <ul style="list-style-type: none"> Announced that there was a good turnout at the Scottsville Fourth of July parade despite then rain. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Handed out various publications and announced that the Municipal Band played for over 1000 people at the MLK Performing Arts Center on July 5. Announced that Fourth of July Parades were held throughout the White Hall district over the holiday weekend. Announced that she had attended the Naturalization Ceremony at Monticello held on July 4. Recognized Tim Tolson as a Crozet Commuinity Association champion. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Reported that the cause of the low water levels at the Sugar Hollow Reservoir was cause by a faulty valve. Reported on the RSWA/RWSA odor control efforts. 		
6. Proclamations and Recognitions: <ol style="list-style-type: none"> Resolution of Appreciation – League of Women Voters. <ul style="list-style-type: none"> ADOPTED, by a vote of 6:0 and presented to Deborah Brooks. 	(Attachment 1)	
7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> <u>Bill Shrader</u>, resident of the White Hall district addressed the Board and reported on the “Pilot Program” from the Chamber of Commerce and requested that the Board have the County Attorney send a letter to the City of Charlottesville. <u>Linda Goodling</u>, resident of Ivy addressed the Board and requested that they be mindful of new development because traffic has gotten horrible. 		
8.2 FY 2016 Appropriations. <ul style="list-style-type: none"> ADOPTED, Resolution to approve appropriation #2016086 for local government and school division projects and programs. 	<u>Clerk:</u> Forward copy of adopted resolution to OMB, Finance and County Attorney. (Attachment 2)	
8.3 First Amendment to the Promissory Note for the Lewis & Clark Exploratory Center.	<u>Economic Development:</u> Proceed as approved.	

	<ul style="list-style-type: none"> APPROVED, the First Amendment to the note of the Lewis & Clark Exploratory Center of Virginia, Inc. to extend the repayment of the loan to December 31, 2016. 	
8.4	License Agreement for Historical Sign on County Property. <ul style="list-style-type: none"> Pulled from the agenda. 	
8.5	Resolution to accept road(s) in Ivy Vista Subdivision into the State Secondary System of Highways. (<i>Samuel Miller Magisterial District</i>) <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development. (Attachment 3)
9.	Amendment of the FY 17 – FY 21 CIP to Add School Projects Associated with the Bond Referendum. <ul style="list-style-type: none"> By a vote of 4:2 (Randolph/Sheffield), ADOPTED Resolution to Approve an Amended FY 17- FY 21 Capital Improvement Plan. By a vote of 4:2(Randolph/Sheffield), ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	<u>Clerk</u> : Forward copy of signed resolution to OMB, Finance and County Attorney's office. (Attachment 4)
10.	General Obligation Bond Referendum to Fund Capital Improvements for County Schools. <ul style="list-style-type: none"> By a vote of 4:2 (Randolph/Sheffield), ADOPTED resolution. 	<u>Clerk</u> : Forward copy of signed resolution to Clerk of Circuit Court and County Attorney's office. (Attachment 5)
11.	Resolution to Authorize the County's Acceptance of an Unmanned Aircraft System in Search and Rescue Operations. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution authorizing the County's acceptance of the UAS and authorizing the County Executive to sign the MOU. 	<u>Clerk</u> : Forward copy of signed resolution to Sheriff and County Attorney office. (Attachment 6)
12.	Albemarle County Service Authority Quarterly Report. <ul style="list-style-type: none"> REMOVED FROM AGENDA. 	
13.	Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Review Committee Report. <ul style="list-style-type: none"> RECEIVED. 	
14.	Virginia Department of Transportation (VDOT) Quarterly Report. <ul style="list-style-type: none"> RECEIVED. 	
15.	Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update. <ul style="list-style-type: none"> RECEIVED. 	
16.	Closed Meeting. <ul style="list-style-type: none"> At 4:00 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1): 1. to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and 2. to conduct the annual performance review of the County Executive; and under Subsection (7): 1. to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to permitted and prohibited public expenditures and advocacy of a bond referendum; and 2. to consult with and be briefed by legal counsel and staff regarding 	

	litigation in the case of Route 29 LLC v. County of Albemarle because a public discussion would adversely affect the negotiating or litigating posture of the County.	
17.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 6:04 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
18.	<p>Boards and Commissions: Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED Ms. Alfreda Morris to the Piedmont Virginia Community College Board with said term to expire June 30, 2020. <p><u>Brad Sheffield:</u></p> <ul style="list-style-type: none"> Requested a joint meeting with the Fiscal Impact Advisory Committee. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
	<p>Non-Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the employment agreement of the County Executive. 	
19.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
20.	<p>Brooks Family YMCA Construction Quarterly Update.</p> <ul style="list-style-type: none"> RECEIVED. 	
21.	<p>Pb. Hrg.: FY 2017 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve the FY 2017 Budget Amendment in the amount of \$12,379,600.29 and to approve appropriations #2017002, #2017003, #2017004, #2017005, #2017006, #2017007, #2017008, #2017010, and #2017011 for local government and school division projects and programs. 	<p><u>Clerk:</u> Forward copy of adopted resolution to Finance, OMB and County Attorney's office. (Attachment 7)</p>
22.	<p>Pb. Hrg.: <u>Business License Ordinance Amendments.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, DEFERRED to July 13, 2016. 	<p><u>Clerk:</u> Schedule on July 13 agenda.</p>
23.	<p>Pb. Hrg.: <u>Tax Ordinance Amendments.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Finance and County Attorney's office. (Attachment 8)</p>
24.	<p>Pb. Hrg.: <u>Vehicle License Ordinance Amendments.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Finance and County Attorney's office. (Attachment 9)</p>
25.	<p>Pb. Hrg.: <u>Ordinance to amend County Code Chapter 4, Animals and Fowl to be consistent with State Code.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachment 10)</p>
23.	<p>From the Board: Committee Reports and Matters Rick Randolph:</p> <ul style="list-style-type: none"> Mentioned that he used the top 32 County priorities as an exercise for his Community Advisory Committees. <p><u>Consent Agenda Item 8.4:</u></p> <ul style="list-style-type: none"> County Attorney stated that more clarification was need. 	<p><u>County Attorney:</u> Notify clerk when ready to schedule.</p>
24.	From the County Executive: Report on Matters	

<p>Not Listed on the Agenda. <u>Tom Foley:</u></p> <ul style="list-style-type: none"> Highlighted various items on the County Executive's monthly report. Announced that the design firm for the Ivy MUC had been hired and that a communication strategy and kickoff is underway. 		
<p>Closed Meeting.</p> <ul style="list-style-type: none"> At 7:34 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for court facilities. 		
<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 9:15 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>25. Adjourn to July 13, 2016, 3:00 p.m., Room 241.</p> <ul style="list-style-type: none"> The meeting was adjourned at 9:16 p.m. 		

/tom

Attachment 1 – Resolution of Appreciation for The League of Women Voters

Attachment 2 – Resolution to Approve Additional FY 16 Appropriations

Attachment 3 – Resolution – Ivy Vista Subdivision

Attachment 4 – Amended FY 17-21 Capital Improvement Plan Resolution and Resolution of Official Intent to Reimburse Expenditures

Attachment 5 – Resolution Requesting that a Referendum on the Question of the Issuance of General Obligation Bonds

Attachment 6 – Resolution to Authorize Acceptance of Property

Attachment 7 – Resolution to Approve Additional FY 17 Appropriations

Attachment 8 – Ordinance No. 16-15(1)

Attachment 9 – Ordinance No. 16-9(1)

Attachment 10 – Ordinance No. 16-4(1)

Resolution of Appreciation for

The League of Women Voters

- WHEREAS,** women of our community, in March of 1946, in order to meet a need for informed public participation in government, formed a League of Women Voters, now expanded to include men and to cover the Thomas Jefferson Planning District region; and
- WHEREAS,** for 70 years the League has provided invaluable non-partisan voter services such as voter guides, registration drives, and candidate forums; and
- WHEREAS,** after thorough study, the League takes action and over the years has worked to protect our rivers, our public and private drinking water supplies, residents' health, our land use through long-range planning, our handling of solid waste, and quality education; and
- WHEREAS,** the League has educated the public through frequent Community Dialogues about issues that affect us locally, statewide, and nationally; and
- WHEREAS,** the League, through its emphasis on knowledgeable public service, has been a training ground for members who have become elected city, county, and state officials.
- NOW, THEREFORE, BE IT RESOLVED** that we, the Albemarle County Board of Supervisors, do hereby recognize The League of Women Voters of the Charlottesville Area for its outstanding contributions and join in celebrating its seventieth anniversary.

Signed and sealed this 6th day of July, 2016

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2016086 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of July, 2016, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Ivy Vista Subdivision**, as described on the attached Additions Form AM-4.3 dated **July 6, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Ivy Vista Subdivision**, as described on the attached Additions Form AM-4.3 dated **July 6, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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Report of Changes in the Secondary System of State Highways

Project/Subdivision Ivy Vista Subdivision

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

- **Ivy Vista Drive, State Route Number 1224**

Old Route Number: 0

-
- From: Rt 637 Dick Woods Road

To: .2 miles South To End of CDS/ESM, a distance of: 0.20 miles.

Recordation Reference: DB 1676, PG 0559

Right of Way width (feet) = 50

AMENDED FY 17-21 CAPITAL IMPROVEMENT PLAN RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

- 1) That the Capital Improvement Plan for the County for Fiscal Years 17-21 was adopted on April 13, 2016; and
- 2) That the amended Capital Improvement Plan for the County for Fiscal Years 17-21 is summarized in the attached document; and
- 3) That the amended Capital Improvement Plan for the County for Fiscal Years 17-21 is approved

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A if approved by County voters in a Bond Referendum in November 2016, hereto (collectively, the "Project"); and

WHEREAS, if approved by County voters in a Bond Referendum in November 2016, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that if a General Obligation Bond Referendum is approved by County voters in November 2016:

1. The Borrower intends to utilize the proceeds of tax-exempt General Obligations bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not expected to exceed \$35,000,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage.

**RESOLUTION REQUESTING THAT A REFERENDUM ON THE QUESTION OF
THE ISSUANCE OF GENERAL OBLIGATION BONDS BE HELD,
SETTING FORTH THE PURPOSES OF THE BOND REFERENDUM AND
THE MAXIMUM AMOUNT OF BONDS TO BE ISSUED, AND REQUESTING THE CIRCUIT COURT TO
ORDER AN ELECTION TO BE HELD PURSUANT TO VIRGINIA CODE §§ 15.2-2610 AND 15.2-2611**

WHEREAS, on May 12, 2016, the School Board of Albemarle County, Virginia adopted a resolution requesting the Board of Supervisors of Albemarle County, Virginia (the "County") to hold a referendum on the question of contracting a debt, borrowing money, and issuing general obligation bonds of the County in the maximum aggregate principal amount of \$35,500,000 for the purpose of providing funds, with any other available funds, to finance the costs of improvements to Albemarle County public schools; and

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia (the "Board" and the "County," respectively), has determined that it is advisable to contract a debt and to issue general obligation bonds of the County in an aggregate principal amount not to exceed \$35,000,000 for the purpose of providing funds, in addition to any other available funds, to finance the costs of improvements to Albemarle County public schools including designing, building, expanding, and renovating school properties, including new buildings and additions, renovations, and improvements to existing buildings, installing new furnishings and equipment in the public schools, and the related costs to issue the bonds and to reimburse the County for temporary financing.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board determines that it is advisable to contract a debt and to issue general obligation bonds of the County in the amount and for the purposes set forth below.
2. The Board authorizes general obligation bonds of the County to be issued in an aggregate principal amount not to exceed \$35,000,000 for the purpose of providing funds, in addition to any other available funds, to finance the costs of improvements to Albemarle County public schools including designing, building, expanding, and renovating school properties, including new buildings and additions, renovations, and improvements to existing buildings, installing new furnishings and equipment in the public schools, and the related costs to issue the bonds and to reimburse the County for temporary financing (collectively, the "Project").
3. The total cost for the Project is currently estimated to be \$35,000,000, and it is the County's intention to pay all such estimated costs from the proceeds from the sale of the general obligation bonds. If the total cost of the Project exceeds \$35,000,000, any such additional costs will be paid from other available funds.
4. The bonds shall be general obligations of the County for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged. The bonds shall bear such date or dates, mature at such time or times not exceeding forty years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Board shall hereafter provide by appropriate resolution or resolutions.
5. The Board hereby requests the Circuit Court of Albemarle County, Virginia, to order an election to be held on November 8, 2016 pursuant to Virginia §§ 15.2-2610 and 15.2-2611 on the following question, provided that such date is at least 81 days after the date on which the Court enters its order. The question on the ballot shall be substantially in the following form:

QUESTION: Shall the County of Albemarle, Virginia, contract a debt and issue general obligation bonds in the maximum aggregate principal amount of \$35,000,000 for the purpose of providing funds, in addition to any other available funds, to finance the costs of improvements to Albemarle County public schools including designing, building, expanding, and renovating school properties, including new buildings and additions, renovations, and improvements to existing buildings, installing new furnishings and equipment in the public schools, and the related costs to issue the bonds and to reimburse the County for temporary financing?

☐ YES
☐ NO

6. The Acting Clerk is directed to promptly file a certified copy of this resolution in the Circuit Court of Albemarle County, Virginia.

7. The County Attorney is directed to promptly prepare and file in the Circuit Court of Albemarle County, Virginia any pleadings necessary to obtain from the Court an order that an election be held on the question set forth in Section 5 of this resolution on November 8, 2016 pursuant to Virginia Code §§ 15.2-2610 and 15.2-2611.

8. This resolution shall be effective immediately.

**RESOLUTION TO AUTHORIZE
ACCEPTANCE OF PROPERTY**

WHEREAS, Mr. David King is offering to donate a DJI Phantom 3 unmanned aircraft system ("UAS") to the County of Albemarle for use by the Albemarle County Sheriff's Office; and

WHEREAS, Virginia Code § 15.2-951 authorizes counties to accept gifts of personal property; and

WHEREAS, a Memorandum of Understanding between the County and the Sheriff's Office is necessary in order to allow the Sheriff's Office to perform search and rescue and training functions with the UAS pursuant to Virginia Code § 19.2-60.1(C) and non-law enforcement situation assessments pursuant to Virginia Code § 19.2-60.1(D).

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County's acceptance of Mr. King's donation of the DJI Phantom 3 unmanned aircraft system, and authorizes the County Executive to execute the Memorandum of Understanding once it has been approved by the County Attorney.

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY17 Budget is amended to increase it by \$12,379,600.29;
- 2) That Appropriations #2017002, #2017003, #2017004, #2017005, #2017006, #2017007, #2017008, #2017010, and #2017011 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

ORDINANCE NO. 16-15(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

- Sec. 15-100 Payment of taxes; penalty; interest.
- Sec. 15-702 Definitions.
- Sec. 15-706 Procedure for claiming for exemption.
- Sec. 15-802 Applications for assessment--By property owner.
- Sec. 15-910 Penalty for late remittance or false return.
- Sec. 15-1102 Proration of tangible personal property.
- Sec. 15-1213 Penalty for late remittance or false return.
- Sec. 15-1603 Exemption from taxes on property for disabled veterans; Application for exemption.

CHAPTER 15. TAXATION

ARTICLE I. IN GENERAL

Sec. 15-100 Payment of taxes; penalty; interest.

A. Taxes due and owing to the county for real estate shall be due and payable in two (2) installments. The first installment shall be due and payable on or before the fifth day of June of the year such taxes are assessed and the second installment shall be due and payable on or before the fifth day of December of the year such taxes are assessed.

B. Taxes due and owing to the county for tangible personal property, machinery and tools, mobile homes and public service corporations shall be due and payable in two (2) installments. The first installment shall be due and payable on or before the fifth day of June of the year such taxes are assessed and the second installment shall be due and payable on or before the fifth day of December of the year such taxes are assessed.

C. Supplemental tax assessments for real estate, tangible personal property, machinery and tools, mobile homes and public service corporations shall be due and payable within thirty (30) days of the billing date.

D. A penalty equal to ten percent (10%) of the amount past due or ten dollars (\$10.00), whichever is greater, shall apply on all taxes remaining unpaid after the due date.

E. Interest at the rate of ten percent (10%) per annum shall apply on all taxes and penalties commencing the first day of the month following the month in which such taxes are due and continuing until paid.

F. The provisions herein shall not alter or supersede any other provisions of state law or any county ordinance, the subject of which is not specifically addressed herein.

G. Nothing in the provisions of this section shall be construed to prohibit the payment of the whole of the taxes levied by any taxpayer in one (1) sum at any time, provided that any penalty and interest that may have accrued on the whole or any part thereof at the time of payment shall be paid therewith.

(8-10-77; 10-8-80; Ord. of 2-14-90; Ord. of 2-5-92; Ord. No. 95-8(2), 10-4-95; Code 1988, § 8-1.3; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code, § 58.1-3916.

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ARTICLE VII. REAL ESTATE TAX EXEMPTION FOR

CERTAIN ELDERLY AND DISABLED PERSONS

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Sec. 15-702 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

- (1) *Dwelling*. The term “dwelling” means a building occupied as a residence.
- (2) *Income*. The term “income” means the total gross income from all sources comprising the amount of money received on a regular basis which is available to meet expenses, regardless of whether a tax return is actually filed, or whether the money is taxable or deductible from an eligible owner’s income tax return.
 - (a) Income shall include: (i) retirement payments, including the portion that represents the contribution of the retiree; (ii) nontaxable social security retirement benefits; (iii) disability payments; and (iv) rental income.
 - (b) Income shall not include: (i) life insurance benefits; (ii) receipts from borrowing or other debt; and (iii) social security taxes taken out of the pay of a retiree.
 - (c) The income of a self-employed person received from the business shall be the gross income of the business, less the expenses of the business.
- (3) *Manufactured home*. The term “manufactured home” means a structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.
- (4) *Net combined financial worth*. The term “net combined financial worth” means the net present value of all assets, including equitable interests, and liabilities, both as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner of the dwelling. The term “net combined financial worth” shall not include: (i) the value of the subject dwelling and the land, not exceeding ten acres, upon which it is situated; (ii) the value of furniture, household appliances and other items typically used in a home; and (iii) the outstanding balance of any mortgage on the subject property, except to the extent that the subject property is counted as an asset.
- (5) *Owning title or partial title*. The term “owning title or partial title” means owning the usufruct, control or occupation of the real estate, whether the interest therein is in absolute fee or is in an estate less than a fee, such as the holding of a life estate, but not the holding of a subsequent remainder interest.
- (6) *Permanently and totally disabled person*. The term “permanently and totally disabled person” means a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death, or can be expected to last for the duration of such person's life, as certified pursuant to section 15-706 herein.
- (7) *Real estate*. The term “real estate” includes manufactured homes.
- (8) *Relative*. The term “relative” means any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the owner.
- (9) *Taxable year*. The term “taxable year” means the calendar year for which the exemption is claimed.
- (10) *Total combined income*. The term “total combined income” means the income received from all sources during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) the owners of the dwelling who use it as their principal residence, (ii) the owners’ relatives who live in the dwelling except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, and (iii) nonrelatives of the owner who live in the

dwelling except for bona fide tenants or bona fide paid caregivers of the owner, whether compensated or not. The following amounts shall be excluded from the calculation of total combined income:

(a) The first sixty-five hundred dollars (\$6,500.00) of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision 9 c hereof.

(b) The first seventy-five hundred dollars (\$7,500.00) of income for an owner who is permanently disabled.

(c) If real property otherwise qualifies for the exemption and if the eligible owner(s) can prove by clear and convincing evidence that the physical or mental health of the eligible owner(s) has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the eligible owner(s), and if a relative does move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided that the owner of the dwelling has not transferred assets in excess of five thousand dollars (\$5,000.00) without adequate considerations within a three (3) year period prior to or after the relative moves into the dwelling.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-23; Ord. 98-A(1), 8-5-98; Ord. 03-15(2), 11-5-03; Ord. 05-15(4), 12-7-05, effective 1-1-06; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11; Ord. 14-15(3), 9-3-14)

State law reference--Va. Code §§ 36-85.3, 58.1-3210, 58.1-3212, 58.1-3217.

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Sec. 15-706 Procedure for claiming for exemption.

Owner(s) claiming the exemption from the real estate tax established by this article shall apply for the exemption as provided herein:

A. *Annual filing of affidavit; time to file.* Except as provided in paragraphs (A.1) and (A.2), the eligible owner(s) shall file the affidavit required by this section with the director of finance between January first and April first of each taxable year for which the exemption is claimed. In lieu of the filing of an annual affidavit, once a taxpayer is determined to be eligible, an affidavit may be filed on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit filed has changed to violate the limitations and conditions provided in this article. Such annual certification must be filed not later than April first of the taxable year.

1. *First-time claimant.* Owners claiming the exemption for the first time may file the affidavit required by this section after April first, but before November first, of the taxable year.

2. *Hardship claimant.* Owners claiming the exemption as hardship claimant(s) may file the affidavit required by this section after April first, but before November first, of the taxable year. The term "hardship claimant" means only those cases in which the owner(s) claiming the exemption was/were hospitalized or in a nursing home between January first and April first of the taxable year, or a similar situation which, in the judgment of the director of finance, constitutes a hardship case justifying the extension of the filing period set forth in paragraph A beyond April first of the taxable year.

B. *Form and content of affidavit.* The affidavit shall be on a form prescribed and provided by the director of finance. The affidavit shall set forth the names of the eligible owner(s) and all other relatives of the eligible owner(s) occupying the real estate for which the exemption is claimed, their total combined income and their net combined financial worth. If the eligible owner(s) is/are under sixty-five (65) years of age, the form shall have attached either:

1. A certification by the Social Security Administration, the Department of Veteran Affairs or the Railroad Retirement Board to the effect that the eligible owner(s) is/are permanently and totally disabled; or, if the eligible owner(s) is/are not eligible for certification by any of these agencies;

2. A sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled. A certification

pursuant to 42 U.S.C. 423(d) by the Social Security Administration, so long as the person remains eligible for such social security benefits, shall be deemed to establish that the person is permanently and totally disabled. The affidavit of one of the doctors may be based upon a physical examination of the person by the doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining whether the person is permanently and totally disabled.

C. *Determination of eligibility.* If, after audit and investigation, the director of finance determines the subject real property to be eligible for exemption, he shall grant the exemption and shall exonerate the amount of the exemption from the real estate tax liability of those properties entitled to the exemption.

D. *Duration of exemption.* An exemption granted shall be effective only for the current taxable year and shall not be retroactive in effect.

(2-15-73; 11-9-77; 8-13-80; 5-13-87; Ord. of 12-19-90; Ord. of 4-7-93; Ord. No. 96-8(2), 12-11-96; Code 1988, § 8-28; Ord. 98-A(1), 8-5-98; Ord. 14-15(3), 9-3-14)

State law reference--Va. Code § 58.1-3213.

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ARTICLE VIII. SPECIAL ASSESSMENTS FOR AGRICULTURAL, HORTICULTURAL, FOREST OR OPEN SPACE REAL ESTATE

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Sec. 15-802 Applications for assessment--By property owner.

A. The owner of any real estate meeting the criteria set forth in sections 15-800 and 15-804 herein and the standards adopted by the Commissioner of Agriculture and Consumer Services, the Department of Forestry or the Department of Conservation and Historic Resources, and this article, must submit an application for taxation on the basis of a use assessment to the local assessing officer at least sixty days preceding the tax year for which such taxation is sought or within thirty (30) days of the mailing of notices of a general reassessment, whichever is later. An individual who is an owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located.

B. Applications may be filed no later than sixty days after the filing deadline specified herein, upon the payment of a late filing fee of one hundred twenty-five dollars (\$125.00). An application shall be submitted whenever the use or acreage of such land previously approved changes. No application fee will be required when the change in acreage occurs solely as a result of a conveyance necessitated by government action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment. Failure to submit an application by the specified deadline shall disqualify the entire parcel for taxation under this article. Applications shall be submitted on forms prepared by the state tax commissioner and supplied to the county for use of the applicants. A separate application shall be filed for each parcel listed on the land book.

(8-23-73; 8-13-75; 4-21-76; 4-13-88; Ord. of 8-11-93; Code 1988, § 8-33; Ord. 98-A(1), 8-5-98; Ord. 02-15(3), 5-15-02)

State law reference--Va. Code § 58.1-3234.

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ARTICLE IX. TRANSIENT OCCUPANCY TAX

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Sec. 15-910 Penalty for late remittance or false return.

A. If any lodging provider whose duty it is to do so shall fail or refuse to remit to the director of finance the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax a penalty in the amount of ten percent (10%) of the total amount of tax owed if the failure is not for more than one month, with an additional penalty of five percent

(5%) of the total amount of tax owed for each additional month or fraction thereof during which the failure continues, such penalty not to exceed twenty-five percent (25%) of the taxes collected but not remitted, provided, however, the minimum penalty shall be ten dollars (\$10.00), or the amount of the tax assessable, whichever is less.

B. If any lodging provider whose duty it is to do so shall fail or refuse to file any return required by this article within the time specified in this article, there shall be added to such tax a penalty in the amount of ten percent (10%) of the tax assessable on such return or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

C. It shall be unlawful for any person to willfully fail or refuse to file any return required under this article or to make any false statement with the intent to defraud in connection with any return required by this article. It shall be a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less, and it shall be a Class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than \$1,000.

(§ 8-43; Code 1988, § 8-51, Ord. No. 98-8(2), 6-10-98; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), 10-3-07, effective 1-1-08)

State law reference – Va. Code §§ 58.1-3916, 58.1-3916.1

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ARTICLE XI. PERSONAL PROPERTY--IN GENERAL

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Sec. 15-1102 Proration of tangible personal property.

A. The tangible personal property tax shall be levied upon motor vehicles, trailers and boats which acquire a situs within the county after January first of any tax year for the remaining portion of the tax year. Such tax shall be prorated on a monthly basis.

B. When any motor vehicle, trailer, semitrailer or boat loses its situs in the county or changes ownership after January first of the tax year, any tax assessed on such motor vehicle, trailer, semitrailer or boat shall be relieved, or refunded if paid. Such relief or refund shall be prorated on a monthly basis. No refund shall be made if the motor vehicle, trailer, semitrailer or boat acquires a situs within the Commonwealth in a nonprorating locality. No refund of less than five dollars (\$5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer.

C. Whenever a motor vehicle, trailer, semitrailer or boat with a situs in the county is transferred to a new owner within the county, the new owner shall be subject to taxation on a prorated basis for the remaining portion of the tax year. The previous owner shall be eligible for relief or refund as provided by paragraph (B) of this section.

D. For the purposes of this section a period of more than one-half ($\frac{1}{2}$) of a month shall be counted as a full month and a period of less than one-half ($\frac{1}{2}$) of a month shall not be counted.

E. The director of finance may apply any refunds under this section to any delinquent accounts owed by the taxpayer. In addition, this refund may be applied as a credit toward the tax due on any motor vehicle, trailer, semitrailer or boat owned by the taxpayer during the same tax year.

F. Each taxpayer owning tangible personal property with a situs within the county shall file a return on forms prescribed by the director of finance on or before January 31 of each year or within thirty (30) days of the date of purchase or the establishment of a situs within the county. Any taxpayer who fails to file a return required by Virginia Code § 58.1-3518 and/or this article shall be subject to a penalty of 10 percent of the tax assessable on such return or \$10, whichever is greater; provided, however, that such penalty shall in no case exceed the amount of the tax assessable. Such penalty shall be assessed on the day after such return is due, and when so assessed, shall become a part of the tax.

G. Tangible personal property, which was legally assessed by another jurisdiction in the Commonwealth and on which the tax has been paid, is exempt from taxation under this section for the portion of the year such property was legally assessable by another jurisdiction in the Commonwealth.

(§ 8-1.9, Ord. of 2-14-90; Ord. of 2-5-92; Ord. No. 94-8(10), 8-3-94; Code 1988, § 8-69; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code, §§ 58.1-3516, 58.1-3916.

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ARTICLE XII. FOOD AND BEVERAGE TAX

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Sec. 15-1213 Penalty for late remittance or false return.

A. If any seller whose duty it is to do so shall fail or refuse to remit to the director of finance the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax a penalty in the amount of ten percent (10%) of the total amount of the tax owed if the failure is not for more than one month, with an additional penalty of five percent (5%) of the total amount of the tax owed for each additional month or fraction thereof during which the failure continues, such penalty not to exceed twenty-five percent (25%) of the taxes collected but not remitted, provided, however, the minimum penalty shall be ten dollars (\$10.00), or the amount of the tax assessable, whichever is greater, provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

B. If any seller whose duty it is to do so shall fail or refuse to file any return required by this article within the time specified in this article, there shall be added to such tax a penalty in the amount of ten percent (10%) of the tax assessable on such return or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

C. It shall be unlawful for any person to willfully fail or refuse to file any return required under this article or to make any false statement with the intent to defraud in connection with any return required by this article. It shall be a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less, and it shall be a Class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than \$1,000.

(§ 8-88, 12-10-97; Code 1988, § 8-88; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), 10-3-07, effective 1-1-08)

State law reference—Va. Code §§ 58.1-3916, 58.1-3916.1

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ARTICLE XVI. PROPERTY EXEMPTED FROM TAXATION

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Sec. 15-1603 Exemption from taxes on property for disabled veterans; Application for exemption.

A. Pursuant to Article X, Section 6-A of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the following real property, including such joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as the veteran's principal place of residence, shall be exempt from taxation:

- (i) the qualifying dwelling, and
- (ii) the land, not exceeding ten acres, upon which said dwelling is situated.

If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no interest shall be due on any refund due to the veteran for taxes paid prior to the veteran's filing of the required affidavit or written statement. If the qualified veteran acquires the property after

January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid.

B. The surviving spouse of a veteran eligible for the exemption set forth in this section shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as the spouse's principal place of residence.

C. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (i) held by the veteran's spouse as tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

D. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection C and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection C, then the exemption shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

E. The veteran or surviving spouse claiming the exemption under this section shall file with the director of finance or his designee, on forms to be supplied by the county, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly owned by a husband and wife, and (iii) certifying that the real property is occupied as the veteran's principal place of residence. The veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. The veteran shall be required to refile the information required by this section only if the veteran's principal place of residence changes. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurred on or after January 1, 2011.

F. The fact that veterans or their spouses who are otherwise qualified for an exemption under this section are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(Ord. 11-15(2), 5-11-11)

State law reference -- §§ 58.1-3219.5, 58.1-3219.6

ORDINANCE NO. 16-9(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, COUNTY VEHICLE LICENSES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 9-401 Violations.
 Sec. 9-404 License tax--Amounts.
 Sec. 9-405 License tax--Prorating.
 Sec. 9-406 License tax--Refunds.

CHAPTER 9. MOTOR VEHICLES AND TRAFFIC**ARTICLE IV. COUNTY VEHICLE LICENSES**

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Sec. 9-401 Violations.

A. It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer to fail to obtain a valid local license, as required by this article. Law enforcement officers may issue summonses or warrants for violations. A violation of this article shall constitute a class 4 misdemeanor.

B. In addition to any penalty authorized under this chapter, a penalty of \$250 shall be imposed upon the resident owner of any motor vehicle that, following the end of the owner's first 30 days of residency in the Commonwealth, is required to be registered in Virginia but has not been so registered. This penalty shall be imposed upon the resident owner annually for as long as the motor vehicle remains unregistered in Virginia. This penalty shall be assessed and collected by administrative process, executed by the director of finance or his designee.

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference – Va. Code § 46.2-752(G).

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Sec. 9-404 License tax--Amounts.

A. On all motor vehicles, except as otherwise specifically provided in this article, there shall be an annual license tax based on gross vehicle weight. The license tax shall be forty dollars and seventy-five cents (\$40.75) for vehicles with gross vehicle weights of four thousand (4,000) pounds or less and forty-five dollars and seventy-five cents (\$45.75) for gross weights in excess of four thousand (4,000) pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.

B. On every motorcycle there shall be an annual license tax of twenty-eight dollars and seventy-five cents (\$28.75).

C. On every trailer or semitrailer not designed and used for transportation of passengers, there shall be an annual license tax as follows:

Gross Weight	Annual Tax
0 - 1,500 lbs.	\$18.00
1,501 lbs. and above	\$28.50

D. In the case of a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be taxed as a separate vehicle.

E. On every motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B), there shall be an annual license tax of sixteen dollars and fifty cents (\$16.50).

F. Except as provided in section 9-403(B), the license tax prescribed herein shall be due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08)

State law reference--Va. Code §§ 46.2-694(A), 46.2-694.1, 46.2-752, 46.2-1168.

Sec. 9-405 License tax--Prorating.

The license tax prescribed by this article shall be prorated monthly commencing with the month in which such license tax first becomes due and payable. The license tax shall be collected from and include that month on the basis of one-twelfth of the annual license tax through each month remaining in the current license year.

(Code 1967, § 12-94; 4-21-76; 6-7-89; Ord. of 3-20-91; Code 1988, § 12-26; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

State law reference – Va. Code § 46.2-752(A).

Sec. 9-406 License tax--Refunds.

Any person who has paid a license tax under this article who disposes of the vehicle, trailer or semitrailer for which the tax was paid and does not purchase another vehicle, trailer or semitrailer may request a prorated refund of the license tax paid. The director of finance shall refund to the applicant one-twelfth (1/12) of the annual license tax for each full month remaining in the current license year.

(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference – Va. Code § 46.2-752(A).

ORDINANCE NO. 16-4(1)

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, DOGS, DIVISION I, IN GENERAL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, Article II, Dogs, Division I, In General, is hereby amended as follows:

By Amending:

Sec. 4-201 Dogs killing, injuring or chasing livestock or poultry - Generally

CHAPTER 4. ANIMALS AND FOWL

ARTICLE II. DOGS

DIVISION I. IN GENERAL

4-201 Dogs killing, injuring or chasing livestock or poultry--Generally.

A. It shall be the duty of any animal control officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith, whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed or euthanized immediately by the animal control officer or other officer designated by the court; (ii) or removed to another state that does not border the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be disposed of pursuant to Virginia Code § 3.2-6552

C. Notwithstanding the provisions of subsection B, if it is determined that the dog has killed or injured only poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

State law reference--Va. Code § 3.2-6552.

(Code 1967, § 4-9; 4-13-88; Code 1988, § 4-9; Ord. 98-A(1), 8-5-98, § 4-203; Ord. 09-4(1), 7-8-09; Ord. 14-4(1), 6-4-14, effective 7-1-14)