

ORDINANCE NO. 3871

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1981, as amended as follows: (A) to amend and reordain Sections 3-2-226 (SAME--PRORATION) and 3-2-229 (DUTY OF TAXPAYER TO FILE RETURN; PENALTY ASSESSMENT; ESTIMATES) and to repeal Section 3-2-228 (DISTRIBUTION OF TAX FORMS; FAILURE OF DIRECTOR OF FINANCE TO MAIL OR DELIVER FORMS NOT TO AFFECT TAXPAYER'S DUTY), all of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT); (B) to amend and reordain Sections 3-2-321 (LICENSE TAX LEVIED), 3-2-322 (EXEMPT VEHICLES TO OBTAIN LICENSE; SERVICE CHARGE IMPOSED), 3-2-323 (WHEN TAX PAYABLE; APPLICATION; ISSUANCE), 3-2-324 (USE OF LICENSE PLATES, WINDSHIELD TAGS OR DECALS BEFORE LICENSE YEAR), 3-2-327 (TAX ON VEHICLES USED FOR TRANSPORTATION OF PASSENGERS--SCHEDULE), 3-2-329 (TAX ON VEHICLES NOT DESIGNED OR USED FOR TRANSPORTATION OF PASSENGERS), 3-2-331 (COMBINATION OF TRACTOR-TRUCKS AND SEMITRAILERS), 3-2-333 (REPLACEMENT OF LOST PLATES, TAGS AND DECALS), 3-2-334 (PRORATION OF LICENSE TAX), 3-2-336 (OFFENSES RELATING TO CITY LICENSE PLATE, WINDSHIELD TAG AND DECAL), to repeal Sections 3-2-328 (SAME--SMALL RENTED VEHICLES JOINTLY OWNED) and 3-2-335 (REFUND FOR UNUSED PORTION OF FEE PAID), all of Article R (LICENSE TAX ON MOTOR VEHICLES, TRAILERS AND SEMITRAILERS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT); (C) to amend and reordain Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT); (D) to amend and reordain Section 5-8-74 (PARKING PERMITS; ISSUANCE) of Article F (PERMIT PARKING DISTRICTS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); and (E) to add a new Section 10-4-37.1 (ENFORCEMENT OF THE NORTHERN VIRGINIA MOTOR VEHICLE LICENSE COMPACT) of Chapter 4 (STOPPING, STANDING AND PARKING), Title 10 (MOTOR VEHICLES AND TRAFFIC); all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article M of Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by repealing Section 3-2-228.

Section 2. That Sections 3-2-226 and 3-2-229 of Article M, Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended and reordained to read as follows:

Sec. 3-2-226 Same--proration.

(a) (1) On any motor vehicle, boat or trailer which becomes owned or held by a resident or citizen of the city or located within the territorial boundaries of the city or otherwise

acquires a situs for taxation in the city after January 1 of any tax year, and on any motor vehicle, boat or trailer which ceases to be so owned, held or located or to otherwise have a situs for taxation in the city on or after January 1 of any given tax year, the assessed value shall be prorated based upon the portion of the tax year during which the property was subject to taxation, and the applicable tax rate shall be applied to the prorated assessed value in accordance with the following schedule:

<u>Months Property Subject to Taxation</u>	<u>Percentage of Assessed Value Taxes</u>
1	8.33
2	16.67
3	25.00
4	33.33
5	41.67
6	50.00
7	58.33
8	66.67
9	75.00
10	83.33
11	91.67
12	100.00

For the purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.

(2) Notwithstanding any provisions of this subsection to the contrary, any person applying for a reassessment under this subsection on the basis that he ceased to be a resident or citizen of the city on or after the first day of January shall be entitled to such reassessment prorated on a monthly basis upon furnishing the director of finance satisfactory evidence in support of such reassessment.

(b) If any motor vehicle, boat or trailer which has been assessed for taxation by the city ceases to be owned or held by a resident or citizen of the city, or to otherwise have a situs in the city, on or after January 1 of any given year, then the owner of such property, if he wishes proration, must apply to the director for such proration within three years from December 31 of that given year, and the director shall then reassess such property as provided in subsection (a) of this section.

(c) If the person applying for reassessment on a motor vehicle, boat or trailer under subsection (b) of this section has paid the personal property tax for the year, or the applicable portion thereof, on the motor vehicle, boat or trailer, the city shall either (i) refund to him the amount of tax paid on the assessed value of the property which is in excess of the tax on the reassessed value, or (ii) credit the excess amount against

any other tax liability of the person arising under the provisions of this article. If the tax on the property has not been paid as of the date the property is reassessed, the owner of the property shall pay the tax levied by this section on the reassessed value.

Sec. 3-2-229 Duty of taxpayer to file return; penalty assessment; estimates.

(a) Each year the director shall prepare a form upon which persons assessable with city taxes on tangible personal property or machinery and tools shall list all such property for return to the director for taxation. The director shall make this form available to taxpayers in his office or otherwise, as he may see fit. In this section, this form is referred to as the "return."

(b) Every person assessable with city taxes on tangible personal property (except motor vehicles) or machinery and tools shall file with the director on or before May 1 of each year a return which lists all such property. However, for every mobile home, boat and trailer which acquires a tax situs in the city after January 1 of a tax year, the person assessable with personal property taxes on such property shall file with the director a return which lists the property within 30 days of the day on which the property acquires such situs, or within an extended period not to exceed an additional 90 days if granted by the director as provided by law, and shall file an annual return listing the property by May 1 of each year subsequent to the year in which the property acquires situs in the city.

(c) (1) Every person assessable with city taxes on a motor vehicle shall file with the director a return which lists the vehicle within 30 days, or within an extended period not to exceed an additional 90 days if granted by the director as provided by law, of any of the following: (i) the vehicle's first being located in the city or otherwise acquiring a tax situs in the city; (ii) the person becoming the owner or lessee of the vehicle; (iii) a change in the name or address of the person; or (iv) the occurrence of any other event affecting the assessment of personal property taxes on the vehicle. The requirement to file a return under this subsection (c)(1) shall apply whether or not a return on the vehicle has been previously filed with the director.

(2) Every owner of a motor vehicle who has filed with the director a return which lists the vehicle shall not be required to file another return listing the same vehicle, unless required to do so under subsection (c)(1). In any year in which a return on a vehicle for which a return has previously been filed is not filed with the director, the vehicle's personal property assessment shall be based upon the most recently filed return which lists the vehicle.

(d) Whenever a return required by this section to be filed with the director is not timely filed, the director shall assess a penalty of \$10 or 10 percent of the amount of tax assessable on the property in question, whichever is greater; provided, that the penalty may not exceed the amount of the tax. Such penalty when so assessed shall become a part of the tax and shall be collected in the same manner as is provided by law for the collection of taxes.

(e) (1) In the event a return that is required by this section to be filed with the director is not timely filed, the director shall, from the best information available, make an estimate of the tangible personal property or machinery and tools for which a return was required and of its fair market value, and shall assess personal property taxes against the owner of the property based on this estimated value.

(2) The director shall have authority to assess penalties as provided in subsection (d) based upon these estimates, and such penalties shall be collected in the same manner as is provided by law for the collection of taxes.

(f) Every person who leases tangible personal property or machinery and tools that is assessable with city taxes, including motor vehicles (other than rented motor vehicles which are subject to the tax imposed under section 58.1-2402 of the Code of Virginia (1950), as amended), boats and trailers and mobile homes, shall with respect to such property comply with all the provisions of this section as if the person were the owner of the property. Any return required by this subsection to be filed with the director shall show thereon the names and addresses of the owners of any property listed thereon.

Section 3. That Article R of Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by repealing Sections 3-2-328 and 3-2-335.

Section 4. That Sections 3-2-321 through 3-2-324, 3-2-327, 3-2-329 through 3-2-331, 3-2-333, 3-2-334 and 3-2-336 of Article R, Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended and reordained to read as follows:

Sec. 3-2-321 License required; license tax levied and billed.

A license is required each year for every motor vehicle, trailer and semitrailer which is normally garaged, stored or parked within the city, and a license tax is imposed each year on every such motor vehicle, trailer and semitrailer for the period from October 5 to the following October 4. Such license tax shall be at the rate set forth in sections 3-2-327 through 3-2-331, and shall be for the purpose of providing revenue for the

general fund of the city except such portions thereof as are required by section 46.2-753 of the Code of Virginia (1950), as amended, to be allocated to the Northern Virginia Transportation Commission. Nothing in this section shall be construed as imposing a license tax on any vehicle not required to be licensed by section 46.2-663 et seq., Code of Virginia (1950), as amended, any vehicle exempted by section 46.2-755, Code of Virginia (1950), as amended, or any vehicle exempted by the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. section 501 et seq. The license tax imposed herein will be billed to taxpayers at the same time as the personal property tax on motor vehicles, imposed pursuant to section 3-2-221 et seq. of this code, and the two taxes will be imposed in a single combined bill. If any portion of the combined bill is not paid timely, late payment penalty and interest charges shall apply to the balance.

Sec. 3-2-322 Exempt vehicles to obtain license.

Any motor vehicle, trailer or semitrailer exempted from taxation solely by reason of the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. section 501 et seq., shall be issued a license in the same manner as if it were not so exempt. Application for the license shall be made in the manner prescribed by section 3-2-323 of this code. There shall be no charge for the issuance of any such license.

Sec. 3-2-323 Application for and issuance of license; when tax payable.

(a) Application for the license prescribed by this article shall be made each year not later than October 5 and not earlier than August 15 on forms prepared by the director. The license tax covered by section 3-2-321 of this code shall be due and payable to the director not later than October 5 of each license tax year and may not be paid earlier than August 15. Upon payment of the license tax, the director of finance shall issue to the applicant an appropriate license plate or license windshield tag for such vehicle; except that decals made of reflective, waterproof material shall be issued for motorcycles, trailers and semitrailers. The license plate, tag or decal shall remain valid until November 15 of the following calendar year.

(b) At the time of application for the initial city licensing of a motor vehicle, trailer or semitrailer, the applicant shall present his state registration or other proof of ownership. Such initial application and payment of the appropriate license tax, which may be prorated pursuant to section 3-2-334 of this code, shall be made:

(1) upon registering and licensing any motor vehicle, trailer or semitrailer with the Virginia Division of Motor Vehicles when the registration for such a vehicle shows an address in the city;

(2) upon commencement of operation upon the streets of the city of any motor vehicle, trailer or semitrailer which has been in the city for a period of at least 30 days and which is registered and licensed by another state or by the Virginia Division of Motor Vehicles whose records show as an address elsewhere in Virginia; or

(3) upon commencement of operation upon the streets of the city of a motor vehicle, trailer or semitrailer from a place of business within the city, which vehicle is used in the conduct of any business or occupation within the city.

Sec. 3-2-324 License period; use of license plates, windshield tags or decals before license period.

The period during which a license plate, windshield tag or decal issued under this article is valid shall run from October 5 of a calendar year through November 15 of the subsequent calendar year. Nonetheless, a license plate, windshield tag or decal may be used without penalty on and after August 15 of the calendar year in which such license period begins. However, in no event shall any license plate, windshield tag or decal be used beyond November 15 of the license period for which is it issued.

Sec. 3-2-327 Tax on vehicles used for transportation of passengers.

(a) The annual license tax on motor vehicles, trailers and semitrailers designed and used for the transportation of passengers shall be as follows:

(1) \$25 for a passenger car or motor home if such passenger car or motor home is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire.

(2) \$0.30 per 100 pounds of weight or major fraction thereof for a private motor vehicle with a normal seating capacity of more than 10 adult persons, including the driver, if such private vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire; provided, that in no case shall the tax be less than \$25.

(3) \$0.30 per 100 pounds of weight or major fraction thereof for a private school bus; provided, that in no case shall the tax be less than \$25.

(4) \$20 for a trailer or semitrailer designed for use as living quarters for human beings.

(5) \$20 for a taxicab and any other vehicle kept for rent or hire and operated with a chauffeur for the transportation

of passengers, which operates or should operate under permits issued by the state corporation commission as required by law, and \$25 for any such vehicle that weighs in excess of 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

(6) \$15 for a motorcycle with or without a sidecar.

(7) \$20 for a bus used exclusively for transportation to and from Sunday school or church for the purpose of religious worship, and \$25 for any such bus which, when empty, weighs in excess of 4,000 pounds.

(8) \$10 in addition to \$0.70 per 100 pounds of weight or major fraction thereof for other passenger-carrying vehicles.

(b) The license tax for passenger vehicles owned by members of the Virginia National Guard shall be one-half of the license tax prescribed in this section, upon presentation of evidence by the registered owners that special Virginia National Guard license plates have been issued to the vehicles as provided in section 46.2-744 of the Code of Virginia (1950), as amended.

Sec. 3-2-329 Tax on vehicles not designed or used for transportation of passengers.

(a) The annual license tax on all motor vehicles, trailers and semitrailers not designed and used for the transportation of passengers shall be determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to maximum capacity for which it is registered and licensed, according to the following schedule:

<i>Gross Weight Groups (Pounds)</i>	<i>Tax</i>
4,000 or less	\$25.00
4,000 - 10,000	30.00
10,001 - 12,000	40.00
12,001 - 18,000	45.00
18,001 - 20,000	50.00
20,001 - 22,000	55.00
22,001 - 24,000	60.00
24,001 - 26,000	65.00
26,001 - 40,000	75.00
40,001 and up	90.00

(b) The license tax for pickup trucks and panel trucks owned by members of the Virginia National Guard shall be one-half of the license tax prescribed in this section, upon presentation of evidence by registered owners that special Virginia National Guard license plates have been issued to the vehicles as provided in section 46.2-744 of the Code of Virginia (1950), as amended.

Sec. 3-2-330 Tax on certain trailers.

The annual license tax on a one or two wheel trailer of a cradle, flat bed or open pickup type, 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, which is to be attached to the owner's own motor vehicle and used only for carrying property belonging to the owner of such trailer, which is pulled or towed by a passenger car or station wagon, or a pickup or panel truck having an actual gross vehicle weight not exceeding 5,000 pounds, and which is used for carrying property not exceeding 1,000 pounds at any time, and the annual license tax on a trailer having a body length of not more than 16 feet which is designed and used exclusively for carrying boats, shall be \$6.50. Nothing herein shall be construed as applying to the license taxes for trailers or semitrailers designed for use as living quarters for human beings or to those trailers or semitrailers operated under lease or rental agreement or operated for compensation.

Sec. 3-2-331 Combination of tractor-trucks and semitrailers.

(a) In the case of a combination of a tractor-truck and a semitrailer, each vehicle constituting a part of such combination shall be registered as a separate vehicle, and separate vehicle license plates shall be issued therefor, but, for the purpose of determining the gross weight group into which any 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 tax for license plates for a semitrailer constituting a part of such combination shall be \$25.

(b) In determining the tax to be paid for the license plates for a tractor-truck constituting a part of such combination the tax shall be assessed at the total weight and the tax per 1,000 pounds applicable to the gross weight of the combination when loaded to the maximum capacity for which it is registered and licensed. However, there shall be no deduction from this tax for the tax of the semitrailer in combination.

Sec. 3-2-333 Replacement of lost plates, tags and decals.

Any person losing his original license plate, license windshield tag or decal issued as provided in section 3-2-325 of this article may secure a new license plate, license windshield tag or decal by making affidavit to the director of finance that the original license plate, license windshield tag or decal has been lost and the police department notified and by paying a fee of \$1 to the director of finance.

Sec. 3-2-334 Proration of license tax.

(a) Three-quarters of the annual license tax prescribed by sections 3-2-327 through 3-2-331 of this article shall be collected whenever any license plate, license windshield tag or decal is issued between January 1 and March 31 of a license period, one-half of such license tax shall be collected whenever any license plate, license windshield tag or decal is issued between April 1 and June 30 in any license period, and one-fourth of such license tax shall be collected whenever any license plate, license windshield tag or decal is issued after July 1 of a license period; provided, that the minimum prorated tax shall be \$1.

(b) Notwithstanding the provisions of subsection (a), if a license tax has been paid for a license period to the county of Arlington, Fairfax or Loudoun or the city of Fairfax or Falls Church, jurisdictions which are participating in the Northern Virginia Local Motor Vehicle License Compact, and the vehicle relocates to the city during the period, the owner may obtain a city decal for the current license period by completing the forms prescribed by the director of finance and presenting the state vehicle registration and pieces of the previously issued license decal, accompanied by a fee of \$5.

Sec. 3-2-336 Offenses relating to license plate, windshield tag and decal.

(a) No person shall:

(1) operate or permit a motor vehicle, trailer or semitrailer, controlled by him and subject to this article, to be operated or parked at any location in the city without first procuring and displaying the required city license plate, license windshield tag or decal or, if applicable, the license plate, license windshield tag or decal required by the county of Fairfax, Arlington or Loudoun or the city of Fairfax or Falls Church, pursuant to the Northern Virginia Local Motor Vehicle License Compact and section 10-4-37.1 of this code;

(2) display, cause or permit to be displayed, or have in his possession, any license receipt or city license plate, license windshield tag or decal, knowing the same to be fictitious or to have been altered;

(3) lend or knowingly permit the use, by one not entitled thereto, of any city license plate, license windshield tag or decal;

(4) use a false or fictitious name or address on any application for a city license plate, license windshield tag or decal, or knowingly make a false statement of a material fact,

conceal a material fact or otherwise commit a fraud in any such application;

(5) use any city license plate, license windshield tag or decal issued under this article on any vehicle other than the vehicle for which such license plate, license windshield tag or decal was issued or to which such license plate, license windshield tag or decal was transferred by the director of finance;

(6) fail to carry the license receipt for the vehicle which he operates; or

(7) display any city license plate, license windshield tag or decal after the expiration date of such license plate,

(b) Upon conviction of a violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) or (a)(7) of this section, a person shall be punished by a fine not exceeding \$35; provided, that a violation of subsection (a)(1), (a)(2), (a)(5) or (a)(7), or of sections 10-4-37 and 10-4-37.1 of this code, shall not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required city license plate, windshield tag or decal has been obtained. Upon conviction of a violation of subsection (a)(6), a person shall be punished by a fine of not less than \$1 and not more than \$10; provided, that if a person charged with such a violation presents to the department of finance or to the court to which the person has been summoned a proper license receipt, the person shall be deemed to have complied with subsection (a)(6).

(c) Subsection (a) of this section may be enforced through the issuance of citations, summonses, parking tickets or uniform traffic summonses.

Section 5. That Section 3-2-354 of Article S, Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-354 Penalties for uncontested citations.

Any other provisions of this code to the contrary notwithstanding, the penalty for any of the following violations of this code shall, when the citation which was issued for the violation is uncontested, be as follows:

(a) If a payment is tendered to the director of finance within 30 calendar days from the date the citation was issued:

(1) \$25 for a violation of section 10-4-1, "Stopping contrary to directions of police officers;"

(2) \$35 for a violation of section 10-4-2, "Permitting vehicle to remain parked contrary to the directions of an official sign;"

(3) \$25 for a violation of section 10-4-3, "Right to parking space;"

(4) \$25 for a violation of section 10-4-4, "Stopping so as to obstruct traffic or on crossing;"

(5) \$35 for a violation of section 10-4-5, "Double parking;"

(6) \$35 for a violation of section 10-4-6, "Parking trucks or commercial vehicles in residential districts;"

(7) \$25 for a violation of section 10-4-7, "Parking of vehicles by businesses on streets;"

(8) \$25 for a violation of section 10-4-8, "Parking for more than 72 continuous hours;"

(9) \$25 for a violation of section 10-4-9, "Parking trailers or recreational vehicles in residential districts;"

(10) \$25 for a violation of section 10-4-10, "Parking on sidewalk;"

(11) \$25 for a violation of section 10-4-11, "Parking in alleys or courts;"

(12) \$35 for a violation of section 10-4-12, "Parking of vehicles on private property;"

(13) \$25 for a violation of section 10-4-13, "Stopping for purpose of sale, repairs, etc.;"

(14) \$25 for a violation of section 10-4-14, "Use of bus stops;"

(15) \$25 for a violation of section 10-4-15, "Stopping for loading or unloading passengers or cargo generally;"

(16) \$25 for a violation for section 10-4-16, "Permit for parking truck beside railroad car on public right-of-way;"

(17) \$25 for a violation of section 10-4-17, "Angle parking for loading and unloading;"

(18) \$35 for a violation of section 10-4-18, "Use of loading zones;"

(19) \$125 for a violation of subsection (a) of section 10-4-19, "Parking in spaces reserved for handicapped persons;"

(20) \$25 for a violation of section 10-4-22, "How meter and space to be used;"

(21) \$25 for a violation of section 10-4-23, "Overtime parking;"

(22) \$25 for a violation of section 10-4-24, "Depositing coin in meter for purpose of extending time;"

(23) \$20 for a violation of section 10-4-25, "Permitting vehicle to remain parked at meter after expiration of time limit;"

(24) \$35 for a violation of section 10-4-28, "Parking across lines designated parking space;"

(25) \$25 for a violation of section 10-4-30, "Interfering with enforcement of chapter;"

(26) \$25 for a violation of section 10-4-33, "Use of metered parking lots by vehicles other than private passenger automobiles;"

(27) \$35 for a violation of section 10-4-34, "Parking illegally in permit parking district;"

(28) \$35 for a violation of section 5-8-114, "Designation of parking spaces; parking across lines;"

(29) \$35 for a violation of section 10-4-40, "Location of parked vehicles;"

(30) \$35 for a violation of section 10-4-37, "Failure to procure and display city license plate, windshield tag or decal;"

(30A) \$35 for a violation of section 10-4-37.1, "Enforcement of the Northern Virginia Local Motor Vehicle License Compact;"

(31) \$35 for a violation of section 10-4-38, "Parking without display of current state inspection sticker or current state license plate;"

(32) \$35 for a violation of section 10-4-39, "Temporary parking prohibited;"

(33) \$25 for a violation of section 9-12-162, "Use of locations other than designated parking spaces by sight-seeing buses;"

(34) \$25 for a violation of section 9-12-163, "Use of parking spaces designated for use by sight-seeing buses by other vehicles;"

(35) \$25 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing buses;"

(36) \$35 for a violation of section 10-4-41, "Parking prohibited at certain locations;"

(37) \$100 for a violation of section 10-4-42, "Parking prohibited near fire hydrant, etc.;"

(38) \$25 for a violation of section 10-4-35, "Parking in two-hour parking zones in the central business district;"

(39) \$25 for a violation of section 10-4-36, "Removal of chalk marks placed for enforcement purposes;"

(40) \$35 for a violation of section 3-2-336, "Offenses relating to city license plate, windshield and decal."

(b) If payment is not tendered to the director of finance with 30 calendar days of the date the citation is issued, a penalty of \$25 in addition to the penalty imposed by subsection (a) for the violation for which the citation was issued; provided, that, in the event the 30th calendar day from the date the citation is issued is a Saturday, Sunday or legal holiday, such additional penalty shall not be imposed if payment is tendered in the amount required by subsection (a) on the next succeeding business day; provided further, that if payment is remitted to the director of finance in a sealed envelope bearing a postmark on or before midnight of the 30th calendar day from the date the citation is issued, no such additional penalty shall be imposed; and provided further, that the director of finance may waive such additional penalty, even though payment has not been tendered or mailed within 30 calendar days of the date the citation was issued, whenever the owner of the vehicle identified in the citation establishes any of the following to the satisfaction of the director:

(i) that the owner did not find the citation at the time of its issuance on the owner's vehicle and only learned of the citation after the day on which it was issued, and has tendered the required payment with 30 days of first learning of the citation;

(ii) that, within 30 days after the issuance of the citation or, if later, after first learning of the citation, the owner has made a written request to the director for information concerning the citation, and has tendered the required payment within 30 days of the director's response; or

(iii) that the owner was medically incapable of making the required payment with 30 calendar days of the date the citation was issued.

Section 6. That Section 5-8-74 of Article F, Chapter 8, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-8-74 Parking permits; issuance.

The city manager shall, upon payment of the fee provided for by this article, issue permits to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

(1) to persons who reside in a permit parking district or to persons who both reside in a dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or her designee, one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from August 15 or, if later, the date of issuance through November 15 of the following year. Applicants for permits issued pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city. For permits issued to a person or renewed pursuant to this subsection, there shall be imposed a fee of \$15 for the first vehicle, \$20 for the second vehicle, and \$50 for each additional vehicle. Any person who has been issued a permit for a vehicle pursuant to this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1.

(2) to persons who are visitors at a residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more

than two visitors to the same residence at the same time. A \$5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.

(3) to persons who are guests at a residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residence, which permit shall be valid for a date certain or portion thereof; provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued his residence will be used and occupied in a manner which is both lawful and not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 self-validating guest permits shall be issued in any calendar month for the guests of any residence located in a permit parking district upon the application of a person residing in the residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which the permit is issued.

(4) to persons doing business with a resident of a permit parking district on the application of the resident, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residence at the same time. No permit shall be issued pursuant to this subsection for a period longer than the time estimated by the resident to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.

(5) whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.

Section 7. That Chapter 4 of Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new section 10-4-37.1 to read as follows:

Sec. 10-4-37.1 Enforcement of the Northern Virginia Local Motor Vehicle License Compact.

Pursuant to section 46.2-752(K) of the Code of Virginia (1950), as amended, and the Northern Virginia Local Motor Vehicle

License Compact entered into by the city and the counties of Fairfax, Arlington and Loudoun and the cities of Fairfax and Falls Church ("Participating Jurisdictions"):

(a) It shall be unlawful for any person required by any Participating Jurisdiction to procure and display a local motor vehicle license to operate or park the unlicensed motor vehicle at any location in the city, without having procured the required license and displayed it upon the vehicle.

(b) Any vehicle exempt in all of the Participating Jurisdictions from imposition of the license tax under section 46.2-755(A) of the Code of Virginia (1950), as amended, is exempt from the provisions of this section.

(c) A violation of this section shall not be discharged unless payment of the requisite fine is accompanied by satisfactory evidence that the required license has been obtained.

Section 8. That the following transitional regulations, which are designed to govern and apply only in 1997 as the city moves from a May 1 through April 30 license period for motor vehicles, trailers and semitrailers to an October 5 through November 15 license period, are hereby enacted:

(1) There will be a one-time license tax transition period from May 1, 1997, to October 4, 1997.

(2) During the transition period, the license tax shall be due and payable not later than May 1, 1997, and may not be paid earlier than February 15, 1997.

(3) During the transition period, the license plate, license windshield tag or decal that is issued by the director of finance evidencing payment of the license tax may be used without penalty on or after February 15, 1997, and shall be valid until November 15, 1997.

(4) During the transition period, the license tax on motor vehicles, trailers and semitrailers designed and used for the transportation of passengers shall be one-half of the license tax prescribed in section 3-2-327 of The Code of the City of Alexandria, Virginia, 1981, as amended.

(5) During the transition period, the license tax on motor vehicles, trailers or semitrailers not designed and used for the transportation of passengers shall be one-half of the license tax prescribed in section 3-2-329 of The Code of the City of Alexandria, Virginia, 1981, as amended.

(6) During the transition period, the license tax on the types of trailers that are described in section 3-2-330 of The

Code of the City of Alexandria, Virginia, 1981, as amended, shall be one-half of the license tax prescribed in that section.

(7) During the transition period, the license tax on the combination of tractor-trucks and semitrailers shall be one-half of the license taxes prescribed in section 3-2-331 of The Code of the City of Alexandria, Virginia, 1981, as amended.

(8) During the transition period, the residential parking permit fees shall be one-half of the fees prescribed in section 5-8-74 of The Code of the City of Alexandria, Virginia, 1981, as amended.

(9) During the transition period, there will be no proration of the license taxes as described in section 3-2-334 of The Code of the City of Alexandria, Virginia, 1981, as amended.

(10) (a) Until January 31, 1997, any person who has adequate proof of ownership of a motor vehicle for which a license, windshield tag or decal has been issued by the city and who disposes of the vehicle and does not purchase another vehicle may surrender the license, windshield tag or decal to the director of finance with a statement that the vehicle for which the license, tag or decal was issued has been sold, and may apply for a refund of a portion of the tax paid for the May 1, 1996, to April 30, 1997, license period.

(b) Until January 31, 1997, any person who has adequate proof of ownership of a motor vehicle for which a license, windshield tag or decal has been issued by the city and who has sufficient evidence that the vehicle has been permanently removed from the city may apply for a refund of a portion of the tax paid for the May 1, 1996, to April 30, 1997, license period.

(c) Upon receipt of an application for refund made under subsection (a) or (b), the director of finance shall cause to be refunded to the applicant one-half of the total tax paid for the May 1, 1996, to April 30, 1997, license period for the vehicle, if application for such refund is made on or before October 31, 1996, and one-third of the license tax paid for the same period if the application is made subsequent to October 31, 1996. No refund of any portion of the license tax paid for the May 1, 1996, to April 30, 1997, license period shall be made when the application therefor is made after January 31, 1997.

Section 9. That this ordinance shall become effective on July 1, 1996.

KERRY J. DONLEY
Mayor

Final Passage: June 15, 1996