

ORDINANCE NO. 4405

AN ORDINANCE to add a new Section 3-2-230.1 (DISTRRAINT OF MOTOR VEHICLE DELINQUENT ON PERSONAL PROPERTY TAXES) to Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 2 of Title 3, Division 3, of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is amended by adding thereto a new Section 3-2-230.1 to read as follows:

[The following is all new language]

Sec. 3-2-230.1 Distraint of motor vehicle delinquent on personal property taxes.

(a) Any motor vehicle found in the city which is delinquent on personal property taxes associated with that vehicle, as per Section 3-2-230 of this code, in the amount of \$100.00 or more, shall be subject to distraint. Distraint may be effected by seizure and removal of the vehicle=s license plates, by immobilization of the vehicle to prevent its operation, or by seizure and removal of the vehicle itself. The Chief of Police, the Director of Finance, their designees, and any other city employee authorized in writing by the city manager, may enforce this section. No such vehicle found on private property shall be distrained unless written authorization to enforce this section on such property has been given by the owner or, when the property is held in common by an association of owners established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103 of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney=s fees, that the owner may incur as a result of actions taken by the city pursuant to this section.

(b) Upon distraint, the city shall inform the owner of the vehicle as soon as

practicable of the distraint and of the amount of taxes, penalty and interest and other charges due on the vehicle. Such notice shall also include notice of the procedures for an administrative hearing for return of the vehicle or license plates, consistent with subsection (e) below.

(c) Once a motor vehicle has been distrainted by seizure of the license plates or immobilized in accordance with subsection (a) above, the vehicle's registered owner, or person authorized by the owner, shall be allowed one business day from the time of distraint to contact the Director of Finance and pay or make arrangements to otherwise resolve the outstanding personal property taxes. After the one business day, the City may remove such vehicle to a storage area for safekeeping under the direction of a police officer.

(d) The owner or lessee, or authorized agent thereof, of a distrained motor vehicle may secure the release of the vehicle by payment of the delinquent personal property taxes, interest and penalties, and reasonable costs incidental to the distraint, immobilization and storage of the motor vehicle and to the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such amounts, or should the identity or whereabouts of such owner be unknown and unascertainable, the vehicle may be sold as provided by section 5-8-27 of this code.

(e)(1) Any owner or lessee, or authorized agent thereof, who contends that his or her vehicle was erroneously distrained, may file a request for a hearing before the Director of Finance or his designee, for release of such vehicle. Such hearing shall take place within one business day from the date that the Director of Finance or his designee receives notification of the request for a hearing.

(2) The requestor shall provide all of the grounds on which he or she contends that the motor vehicle was erroneously distrained. If the Director of Finance or his designee is satisfied that the motor vehicle was erroneously distrained, the city shall return the seized property to the owner. If the Director or his designee is not so satisfied, the requestor shall be informed in writing, and the vehicle shall be subject to release or sale pursuant to subsection (d) above.

Section 2. That this ordinance shall become effective upon the date and time of its final passage.

WILLIAM D. EUILLE

Mayor

Final Passage: June 21, 2005

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