

**Ordinance 10-03**

An Ordinance Establishing An Additional  
Annual License Tax For The Purposes of  
Paying The Costs and Repair of Village Streets

*Whereas*, the Village of South Point has streets in need of repair and maintenance and current revenues are inadequate and

*Whereas*, the Ohio Revised Code makes provisions for the levy of certain fees to be used for maintaining streets and

*Whereas*, the Village already has one five dollar (\$5.00) per motor vehicle yearly registration fee in place created by Village ordinance 82-15 adopted Oct. 19, 1982 by authority of O.R.C. 4504.06

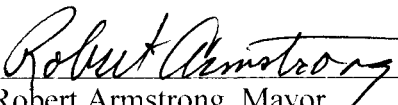
**Now Therefore Be It Ordained** by the South Point Village Council that:


Section 1. In accordance with Ohio Revised Code 4504.17, there is levied an additional annual license tax, in addition to the tax levied by sections 4503.02, 4503.07, 4503.18 and 4504.06, upon the operation of motor vehicles on the public roads and highways. Such tax shall be at the rate of \$5.00 per motor vehicle the district of registration of which, as defined in Section 4503.10 of the O.R.C. is in the municipal corporation of South Point levying the tax and which are not subject to a county motor vehicle license tax previously levied by a resolution adopted pursuant to Sections 4504.02 of the O.R.C. Such tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the O.R.C. subject to reductions in the manner provided in Section 4503.11 of the O.R.C. and the exemptions provided in Sections 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43 of the O.R.C.

Section 2. It shall be a misdemeanor violation to operate or permit the operation of a motor vehicle in the Village without having paid the above license tax, punishable by a fine of up to \$50.00 and costs for each violation and each day shall be considered a separate violation.

Section 3. This ordinance shall be in force and effect from and after the earliest period allowed by law and shall remain in force for subsequent years until repealed.

Adopted This 6<sup>th</sup> Day of April 2010

  
Robert Armstrong, Mayor

Attest:   
Scott Thomas, Fiscal Officer

1st Reading Approved 12-1-2009  
2nd Reading Approved 1-5-2010  
3rd Reading Approved 4-6-2010

Note: A copy shall be filed as per O.R.C. 4504.08 which reads as follows:

A resolution, ordinance, or other measure levying a county motor vehicle license tax, municipal motor vehicle license tax, township motor vehicle license tax, or transportation improvement district motor vehicle license tax shall not be applicable to motor vehicle registrations for a registration year beginning at the time established in section 4503.10 of the Revised Code unless a copy of such resolution or ordinance is certified to the registrar of motor vehicles not later than the first day of July of the year preceding that in which such registration year begins.

# *Village of South Point*

Robert Armstrong, Mayor

408 2nd St. W.

South Point OH 45680-9165

Phone 740 377-4838

Fax 740 377-0043

Utilities 740 377-2304

E-mail [southpoint@zoominternet.net](mailto:southpoint@zoominternet.net)

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Scott Thomas  
Fiscal Officer

William Caines  
Treasurer

Patrick Leighty  
Administrator

Randall Lambert  
Solicitor

4/8/2010

Ohio Bureau of Motor Vehicles  
PO Box 16520  
Columbus OH 43216-6520

Re: Ordinance Establishing an Additional Annual Vehicle License Tax

Please find enclosed Ordinance 10-03 concerning an additional \$5.00 annual license tax for the Village of South Point.

If you need any additional information, please contact me.

Sincerely,



Scott Thomas, Fiscal Officer  
740-377-4838

enclosures

*A Very Pleasant Place To Live!*

Z:\Scott Briefcase\ORDINANCES\2010 Ordinances\Vehicle Tax letter to BMV 4-7-10.lwp



# **LAMBERT LAW OFFICE, LLC**

## ***Attorneys at Law***

*Telephone: 740.532.4333*

*Facsimile: 740.532.7341*

Randall L. Lambert  
Michael A. Davenport\*

215 South Fourth Street  
P. O. Box 725  
Ironton, OH 45638

\*Also licensed in Kentucky and West Virginia

January 22, 2010

Village of South Point  
Attn: Scott Thomas, Fiscal Officer  
408 2<sup>nd</sup> Street W.  
South Point, Ohio 45680

*Re: Inquiry concerning Vehicle License Tax*

Dear Mr. Thomas:

I am responding to your prior inquiry concerning the supplemental \$5 motor vehicle license tax that the village is in the process of attempting to implement pursuant to Ohio Revised Code Section 4504.17.

According to that statute I believe the village is entitled to have an additional \$5 annual license tax.

I have reviewed the proposed ordinance and believe such is appropriate and acceptable. It states you can have an annual tax as proposed in your ordinance.

If you have any questions, please feel free to contact me.

Sincerely,

Randall L. Lambert  
Attorney at Law

RLL/ajs

**Permissive Motor Vehicle License Tax**

Currently in effect: ORC 4504.06 Ordinance 82-15 \$5.00 per vehicle per year  
Average receipts = \$23,360. per year

Available: ORC 4504.17 \$5.00 per vehicle per year effective 4/1/1989

Available: ORC 4504.171 \$5.00 per vehicle per year effective 4/1/1991

Available: ORC 4504.172 \$5.00 per vehicle per year effective 7/1/1987

**Current Village Street Repaving Project**

USDA Rural Development loan of \$311,000. @ 4.75% interest for 10 years 9/1/2002 to 9/1/2011

Payments = \$40,000. per year

(\$20,000 from Permissive Tax Fund and \$20,000 from Street Fund)

### 4504.06 Levy of municipal corporation.

For the purpose of paying the costs and expenses of enforcing and administering the tax provided for in this section; and for planning, constructing, improving, maintaining, and repairing public roads, highways, and streets; maintaining and repairing bridges and viaducts; paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways; paying the municipal corporation's portion of the compensation, damages, cost, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets; paying any costs apportioned to the municipal corporation under section 4907.47 of the Revised Code; paying debt service charges on notes or bonds of the municipal corporation issued for such purposes; purchasing, erecting, and maintaining street and traffic signs and markers; purchasing, erecting and maintaining traffic lights and signals; and to supplement revenue already available for such purposes, the legislative authority of any municipal corporation may by proper legislation levy an annual license tax, in addition to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon the operation of motor vehicles on the public roads or highways. Such tax shall be at the rate of five dollars per motor vehicle on all motor vehicles the district of registration of which, as defined in section 4503.10 of the Revised Code, is in the municipal corporation levying the tax and which are not subject to a county motor vehicle license tax levied by a resolution adopted pursuant to section 4504.02 of the Revised Code. Such tax shall be in addition to the taxes at the rates specified in sections 4503.04 and 4503.16 of the Revised Code, subject to reductions in the manner provided in section 4503.11 of the Revised Code and the exemptions provided in sections 4503.16, 4503.17, 4503.171, 4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code.

No municipal corporation shall enact any ordinance, resolution, or other measure levying a tax pursuant to this section on any motor vehicle registration which would be subject to a resolution previously adopted levying a county motor vehicle license tax where such resolution has not become effective solely because of the filing of a referendum petition pursuant to sections 305.31 to 305.41 of the Revised Code or because the thirty-day period following adoption of the resolution has not expired.

No ordinance, resolution, or other measure levying a municipal motor vehicle license tax shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of any municipal corporation and each such ordinance, resolution, or other measure is subject to a referendum as provided in sections 731.29 to 731.41 of the Revised Code or by the charter of the municipal corporation.

Effective Date: 06-27-1988

*Ord 82-15 \$5.00 in effect*

*2008 = 22,544.-*

*2007 = 24,089.-*

*2006 = 23,895.-*

*2005 = 22,908.-*

*Average = \$23,360.- yr.*

*Paving  
2001 Project = 311,000.-*

*Payments 40,000.- yr to 9/1/2011*

*20,000.- from Permissive Tax  
20,000.- from Street Fund*

<http://codes.ohio.gov/orc/4504.06>

10/22/2009

## **4504.17 Supplemental municipal license tax starting 4-1-89.**

For the purpose of paying the costs and expenses of enforcing and administering the tax provided for in this section; to supplement revenue already available to municipal corporations under section 4504.04, 4504.06, 4504.171 , or 4504.172 of the Revised Code, and to provide additional revenue for the purposes set forth in those sections, the legislative authority of any municipal corporation located in a county that is not levying the tax authorized by section 4504.15 of the Revised Code may, after the first day of April, 1989, and regardless of any tax being levied pursuant to section 4504.06 or received pursuant to section 4504.04 of the Revised Code, levy an annual license tax, that shall be in addition to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon the operation of motor vehicles on the public roads or highways. The tax shall be at the rate of five dollars per motor vehicle on all motor vehicles the district of registration of which, as defined in section 4503.10 of the Revised Code, is in the municipal corporation levying the tax, and shall be in addition to the taxes at the rates specified in sections 4503.04 and 4503.16 of the Revised Code, subject to reductions in the manner provided in section 4503.11 of the Revised Code and the exemptions provided in sections 4503.16, 4503.17, 4503.171 , 4503.41, and 4503.43 of the Revised Code.

No municipal corporation shall enact any ordinance, resolution, or other measure levying a tax pursuant to this section on any motor vehicle registration that would be subject to a resolution previously adopted levying a county motor vehicle license tax under section 4504.15 of the Revised Code where such resolution has not become effective solely because of the filing of a referendum petition pursuant to sections 305.31 to 305.41 of the Revised Code or because the thirty-day period following adoption of the resolution has not expired.

No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of any municipal corporation and each such ordinance, resolution, or other measure is subject to a referendum as provided in sections 731.29 to 731.41 of the Revised Code or by the charter of the municipal corporation.

A municipal motor vehicle license tax levied under this section shall continue in effect until repealed.

Effective Date: 07-01-1987

*\$5.00 available*

ORDINANCE NO. 82-15

AN ANNUAL LICENSE TAX FOR THE PURPOSES OF PAYING THE COSTS AND REPAIR OF STREETS AND OTHER PURPOSES AUTHORIZED BY OHIO REVISED CODE 4504.06.

WHEREAS, the Village of South Point, Ohio has streets in need of repair and maintenance and whereas current revenues are inadequate therefore, and

WHEREAS, the Revised Code of Ohio makes provision for the levy of certain fees to be used for maintaining and caring for streets and other ways, and

Now in order to provide for the public good, NOW THEREFORE

BE IT ORDAINED by the Council of the Village of South Point, Ohio:

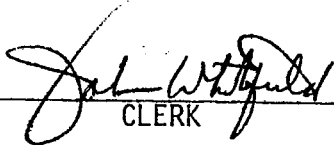
SECTION ONE: In accordance with O.R.C. 4504.06 there is levied an annual license tax, in addition to the tax levied by Sections 4503.02, 4503.07 and 4503.18, upon the operation of motor vehicles on the public roads and highways. Such tax shall be at the rate of \$5.00 per motor vehicle the district of registration of which, as defined in Section 4503.10 of the Revised Code, is in the municipal corporation levying the tax and which are not subject to a county motor vehicle license tax previously levied by a resolution adopted pursuant to Sections 4504.02 of the Revised Code. Such tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Revised Code and the exemptions provided in Sections 4503.16, 4503.17 (4503.17.1), 4503.41 and 4503.43 of the Revised Code.

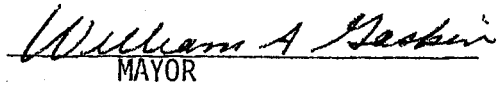
SECTION TWO: It shall be a misdemeanor violation to operate or permit the operation of a motor vehicle in this Village without having paid the above license tax, punishable by a fine of up to \$50.00 and costs for each violation and each day shall be considered a separate violation.

SECTION THREE: This ordinance shall be in force and effect from and after the earliest period allowed by law and shall remain in force for subsequent years until repeal thereof.

Adopted October 19 . 1982

ATTEST:

  
CLERK

  
MAYOR

1st Reading 9/21/82  
2nd Reading 10/05/82  
3rd Reading 10/19/82

NOTE: A copy hereof shall be filed as per O.R.C. 4504.08 which reads as follows:

"A resolution, ordinance or other measure levying a county motor vehicle license tax or municipal motor vehicle license shall not be applicable to motor vehicle registrations for a registration year beginning on the 16th day of April unless a copy of such resolution or ordinance is certified to the registrar of motor vehicles not later than the 1st day of August of the year preceding that in which such registration year begins."

# RECORD OF PROCEEDINGS

## Minutes of the Regular Meeting

Held: Tuesday, December 1, 2009

The regular meeting of the South Point Village Council was called to order at 7:30 PM. by Mayor William Gaskin with the pledge to the flag. Village Chaplain, Bill VanBibber, led in prayer.

Roll Call: Present -    Robert Armstrong    Buel Collins  
                                  Marlene Arthur        Danny Smith  
                                  David Classing         Ron West

Mr. West made a motion to approve the minutes of the Nov. 3, 2009 regular Council meeting. Mr. Smith seconded. Roll call -- yes by all except Mrs. Arthur who passed due to being absent last meeting.

Mr. Armstrong made a motion to approve payment of the approved invoices as presented. Mr. Collins seconded. Roll call -- yes by all.

Public: Michael Boster, Director Lawrence Co Emergency Management Agency, and Robert Cochran with Connectlink, addressed Council introducing "Eyes on the River" federally funded project in partnership with state, local and private sector partners. The project is to provide for monitoring capabilities of the port, navigable waterways and all of the infrastructure and facilities associated with the river. For the Village, this would include our water wells and treatment building, water storage tanks on the hill, sewer plant facility, boat ramp park and 2nd St park. They said the Coast Guard handles all the grant paperwork, buying materials, etc. There is no local match for projects under \$25,000. and if Connectlink is chosen for the communication equipment, cameras, etc., their fees are covered for the 5 year grant period. There is no obligation to the Village to continue the project past the 5 year grant period. They write the grant project and file all the paperwork. Proctorville, Chesapeake and Ironton are already successfully participating in the project. Mr. Classing made a motion to enter into an agreement with Connectlink and the Lawrence Co Emergency Management Agency to proceed with the "Eyes on the River" federally funded grant project for security surveillance for the Village of South Point as explained above. Mr. West seconded. Roll call -- yes by all.

Mr. West made a motion to suspend the 3 reading rule on Ordinance 09-18 An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the Village of South Point, State of Ohio, During the Fiscal Year Ending December 31, 2010, and Declaring an Emergency. Mr. Classing seconded. Roll call -- yes by all. Mr. West made a motion to adopt Ordinance 09-18. Mr. Classing seconded. Roll call -- yes by all.

Mr. Armstrong made a motion to suspend the 3 reading rule on Ordinance 09-19 An Ordinance Modifying The Salaries of Village Employees Fixing Rate of Compensation and Declaring an Emergency. Mr. Smith seconded. Roll call -- yes by all except Mr. Collins who voted no, motion carried. Mr. Armstrong made a motion to adopt Ordinance 09-19. Mr. Smith seconded. Roll call -- Armstrong-yes, Arthur-yes, Classing-no, Collins-no, Smith-yes, West-yes, motion carried.

Mr. Armstrong made a motion to Approve the 1st Reading of An Ordinance Establishing An Additional Annual License Tax For The Purposes of Paying The Costs and Repair of Village Streets. Mr. Classing seconded. Roll call -- Armstrong-yes, Arthur-no, Classing-yes, Collins-yes, Smith-no, West-yes, motion carried.

Mr. West made a motion to acknowledge Village Employee, Ron Stevens has filed retirement papers with Ohio PERS effective 12/1/2009 and intends to be re-employed with the Village March 1, 2010 as a part time employee with no benefits. Mr. Smith seconded. Roll call -- yes by all.



# RECORD OF PROCEEDINGS

## Minutes of the Regular Meeting

Held: Tuesday, April 6, 2010

The regular meeting of the South Point Village Council was called to order at 7:30 PM by Mayor Robert Armstrong with the pledge to the flag. Village Chaplain, Bill VanBibber, led in prayer.

Members Present -   Marlene Arthur           Dennis Duty  
                          David Classing           Danny Smith  
                          Buel Collins             Ron West

Village Solicitor, Randall Lambert was present to observe the meeting.

Mr. Classing made a motion to approve the minutes of the March 2, 2010 Regular Council meeting. Mr. West seconded. Roll call -- yes by all except Mr. Duty who passed.

Mr. West made a motion to approve payment of the approved invoices as presented. Mr. Collins seconded. Roll call -- yes by all.

Public: Gail Cantrell and Mr. & Mrs. Runyon from Twp Rd 161 addressed Council expressing their desire for their area to be annexed into the Village. They stated several of their neighbors also want to be annexed in but were unable to attend the meeting tonight. Attorney Lambert said he is researching the annexation laws as the new South Point High School has also expressed interest in being annexed. He said if 100% of the property owners petition the Village to be annexed it is much easier and quicker, but if a majority, over 51% of the property owners petition, then the township trustees and county commissioners also have to approve the petition. Mr. Classing made a motion to authorize the Village Solicitor and Administrator to pursue the annexation of the school and Township Road 161 area. Mr. West seconded. Roll call -- yes by all.

Chauncey Darling, 202 2nd St. E., stated there are a lot of cars speeding on 2nd St. and there are a lot of children playing and people walking near the street and he is concerned someone is going to get hurt. Suggested installing speed bumps but was told no one can knowingly put an obstruction on a public roadway. The Police said they will patrol the area more. Also complained about all the trash along the river bank left from the flooding. Mr. Leighty said it will be cleaned up before we mow. Larry Tawney, 107 N. Kenova Rd., asked the Police to require Dr. Lontoc to license his vehicles or remove them that are on his property and right of way. Mike Jackson, 111 Auburn Ave., also said there are cars speeding in his neighborhood where a lot of children play and people walk. He also said cars are parking on both sides of Park Ave in front of the elementary school and is concerned a child will walk out in the street between them and get hit.

Mr. Classing made a motion to install 3 way stop signs at the intersections of Virginia St & 2nd St. E. and Anna Clinton and 2nd St. E. to try and slow down traffic on 2nd St. Mr. Smith seconded. Roll call -- yes by all.

Mr. Smith made a motion to approve the 3rd reading and adopt Ordinance 10-03 An Ordinance Establishing An Additional Annual License Tax For The Purposes of Paying The Costs and Repair of Village Streets. Mr. Collins seconded. Roll call -- Arthur-no, Classing-no, Collins-yes, Duty-yes, Smith-yes, West-yes. Motion carried.

Mr. West made a motion to suspend the 3 reading rule on Ordinance 10-04 An Ordinance Establishing the Mayor's Court Computer Fund, Setting The Computer Fee and Declaring An Emergency. Mr. Collins seconded. Roll call -- yes by all. Mr. West made a motion to adopt Ordinance 10-04. Mr. Collins seconded. Roll call -- yes by all.