

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS
COUNTY CLERK

97 SEP -4 PM 1:57

In the Matter of an Ordinance Imposing a)
 Vehicle Registration Fee As Provided by)
 State Statutes; Exempting Certain Vehicles;)
 Providing for Collection by the State of) ORDINANCE 633
 Oregon; Providing a Formula for Distributing)
 Revenues to Cities; Providing an Effective)
 Date; and Referring this Ordinance to the Voters)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on September 4, 1997 Commissioners Ted Lopuszynski and Robert Johnstone being present, Commissioner Bunn being excused..

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. **FINDINGS.** The Board makes the following findings:

A. Current funding is inadequate to address the growing need for funds to construct, reconstruct, improve, maintain, operate and use the roads of Yamhill County, including within cities. This has led to increased congestion and safety hazards which inconvenience and endanger residents of Yamhill County and the traveling public. In addition, failure to regularly maintain roads adequately leads to increased future costs.

B. Vehicle owners in Oregon pay one of the lowest state vehicle registration fees in the United States. A local fee, as authorized by statute, is a fair and equitable way to help defray the costs of using County roads.

C. Under ORS 203.035(1), the electors of a county "may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and law of the United States and this state" as though the specific powers were listed in the statutes.

Section 2.

A. The Board has received recommendations from staff and conducted one or more public hearings on this matter and is fully apprised of the issues. The Board recognizes that, although referred to as a fee in state statutes, the charge imposed hereby is, in fact, a tax. The Board finds that this is an appropriate exercise of its taxing power and further, should be referred to the electors for approval or rejection.

B. Exhibit "A," attached and by this reference incorporated herein, hereby is adopted subject to referral as provided below.

BO 97-656

Section 3.

A. The Office of County Counsel is authorized to codify this Ordinance and to make any technical non-substantive changes, as necessary to accomplish this codification.

B. A determination by a court of competent jurisdiction that any section, clause, phrase or word of this Ordinance, or its application, is invalid or unenforceable for any reason shall not affect the validity of the remainder or its application and all portions not found invalid or unenforceable shall continue in full force and effect. In the event that the amount imposed on any class of vehicles is found to exceed the amount authorized by state law, the amount shall be reduced to the amount set by state law and not invalidated.

Section 4. REFERRAL OF ORDINANCE TO VOTERS.

This Ordinance is referred to the voters of Yamhill County at the election to be held on November 4, 1997.

Section 5. EFFECTIVE DATE.

This ordinance shall become effective only if approved by the voters at the November 4, 1997 election, and, if approved, the effective date shall be on the date county elections officer issues a certification of passage under ORS 254.545(2), and further the actual imposition of this fee shall be subject to filing with the Department of Transportation and execution of intergovernmental agreements as provided by State law. If this ordinance is not approved by the voters at the November 4, 1997 election, it shall not become effective and shall be null and void.

DONE at McMinnville, Oregon this 4th day of September, 1997.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

~~CHARLES STERN~~
County Clerk

Not Available for Signature
Chairman THOMAS E. E. BUNN

By *[Signature]*
Deputy ~~Charles A. White~~

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY
[Signature]
JOHN C. PINKSTAFF

Robert Johnstone
Commissioner ROBERT JOHSTONE

Yamhill County Interim Co-Counsel

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Accepted by Yamhill County
Board of Commissioners on
9-4-97 by Board Order
BO-97-656

Exhibit "A" to Ordinance 633**1. Title.**

This ordinance shall be known as the "Yamhill County Motor Vehicle Registration Fee Ordinance" and may be so pled.

2. Purpose.

This ordinance is to implement the authority provided by ORS 801.040(6) to impose a vehicle registration fee. Except as expressly provided for herein, it shall be construed and implemented in a manner consistent with the state statutes and, to the extent reasonably practicable, the administrative procedures of the Department of Transportation registration relating to the state vehicle fee.

3. Definitions.

In the event that any term used herein is not expressly defined, it shall be defined consistent with the definitions set forth in the Oregon Revised statutes or Administrative Rules relating to vehicles and the state vehicle registration fee.

A. "Board" means the Board of Commissioners of Yamhill County, Oregon.

B. "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

1. Taxicabs that:

a) Are passenger vehicles with a passenger seating capacity that does not exceed five;

b) Carry passengers for hire when destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;

c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and

d) Transport persons or property, or both, between points in Oregon.

2. Vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to and from school.

C. "County" means Yamhill County, Oregon.

D. "Date of Collection" is the date specified by the intergovernmental agreement with the Department as provided in ORS 801.041.

E. "Department" means the State Department of Transportation or its successor.

F. "Moped" means a vehicle, including any bicycle equipped with a power source, that complies with all of the following:

- 1) It is designed to be operated on the ground upon wheels.
- 2) It has a seat or saddle for use of the rider.
- 3) It is designed to travel with not more than three wheels in contact with the ground.
- 4) It is equipped with an independent power source that:
 - a) Is capable of propelling the vehicle, unassisted at a speed of not more than 30 miles per hour on a level road surface; and
 - b) If the power source is a combustion engine, has a piston or rotor displacement of 3.05 cubic inches or less or 50 cubic centimeters or less regardless of the number of chambers in the power source.
- 5) It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged.

G. "Motorcycle" means any self-propelled vehicle other than a moped or farm tractor that:

- 1) Has a seat or saddle for use of the rider;
- 2) Is designed to be operated on the ground upon wheels; and
- 3) Is designed to travel with not more than three wheels in contact with the ground.

H. "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle by the State of Oregon as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization.

I. "Vehicle" means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

4. **Imposition.**

A. Subject to the exceptions set forth in paragraph B, there hereby is imposed a vehicle registration fee on all vehicles registered at a residence or business in Yamhill County.

B. The following classes of vehicles are exempt, and no county registration fee shall be imposed on the following:

- 1) Any class of vehicle exempted from payment of the state vehicle registration fee by state statute, administrative rule or other exemption granted by the State as permitted by law;
- 2) Any class of vehicle exempted from County registration fee by ORS 801.041(3) or which the county otherwise is prohibited by law from charging a registration fee including, but not limited to, trucks with a weight of 26,001 pounds or more and farm vehicles;
- 3) Vehicles exempt due to the disabled veteran, former prisoner of war or active national guard status of the registrant as provided in ORS Chapter 805.

5. **Amount.**

A. After the Board enters a resolution and order specifying the date of imposition as provided in Paragraph 7, the following additional amount shall be due and payable to the county when the state vehicle registration fee are due and payable in conjunction with issuance of a state vehicle registration or renewal:

- 1) Vehicles not otherwise provided for in this section: \$30;
- 2) Mopeds and motorcycles: \$9;
- 3) Motor vehicles of 8,000 pounds or less required to establish a registration weight under ORS 803.430 or 826.013: \$15.
- 4) Commercial buses of 8,000 pounds or less based on the weight submitted in the declaration of weight prepared under ORS 803.435 or 826.015: \$15.
- 5) Non-exempt trailers registered under permanent registration: \$10;
- 6) Trailers for hire that are equipped with pneumatic tires made of an elastic material and that are not travel trailers, manufactured structures or trailers registered under permanent registration: \$15.
- 7) Special uses trailers six feet or more in length measured as provided by ORS 803.425: \$30.

B. The fee shall be for the entire registration period but may be pro-rated or adjusted to conform to the permanent, annual, biennial, quarterly or fleet registration or payment periods provided by state law or the Department in the administration of the state motor vehicle fee, including a maximum of a 30-month period and if the vehicle is changed from one type of registration to another. The amount due and payable may be rounded down to the nearest whole dollar amount if so specified by intergovernmental agreement with the Department.

6. **Use of Proceeds.**

A. The proceeds of this fee shall be expended exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public roads and streets in

Yamhill County, together with the costs of collection, administration and enforcement of this ordinance, consistent with Article IX, Section 3a of the Oregon Constitution. No proceeds shall be expended for parks or recreation areas or for any purpose not permitted by state law.

B. At least forty percent of the net proceeds from this fee received by the county from the state shall be paid to cities within the county unless a different distribution is agreed to between the county and the cities within the jurisdiction of the county.

C. The county may establish such funds or accounts as are reasonably necessary to implement and enforce the terms of this ordinance.

7. Date of Imposition.

The vehicle registration fee shall be imposed on the date specified by resolution and order of the Board which date shall not be earlier than the date of filing of this ordinance with the Department of Transportation and the date of collection specified in such intergovernmental agreements as are required by state law.

8. Collection.

The tax imposed hereby shall be collected by the Department in conjunction with the collection of the State vehicle registration fee. After deduction of expenses of collection, transfer and administration, the Department shall pay the net amount to the County on at least a monthly basis unless otherwise provided by intergovernmental agreement.

9. Statutory and Administrative Rule References.

A. Unless expressly provided otherwise, all statutory references are to the 1995 Edition of the Oregon Revised Statutes as amended by 1997 Oregon chapter law in effect on the date of enactment of this ordinance by the Board and all references to Oregon Administrative Rules are to the rules in effect on the effective date of enactment of this ordinance by the Board.

B. Notwithstanding any other provision of this ordinance, any subsequent amendment or addition to the Oregon Revised Statutes or Administrative Rules that has the effect of granting an exemption to State or county registration fees or reduces the maximum fee permitted below the amount set forth in Section 5A, or which otherwise preempts by action of law any provision herein shall automatically and without further action of the Board be deemed to govern and any conflicting provision of this ordinance shall not apply. Nothing herein shall permit the fee to be increased or a new fee imposed without a vote of the electors of Yamhill County.

10. Intergovernmental Agreements and Administrative Procedures.

The Board may enter into such intergovernmental agreements and may adopt such administrative procedures as are required by law or reasonably necessary to effectuate this ordinance and conform to or implement state law and the administration of the vehicle fee by the Department. This may include, but is not limited to providing for classification of vehicles by the Department in the event of uncertainty provided no new or increased fee is imposed.

11. County Vehicle Registration Fee Reduction if State Increases Vehicle Registration Fee

If within two years of the effective date of this ordinance, the amount of the state vehicle registration fees for any type of vehicle under ORS 803.420 (1997 Edition) is increased, then the amount of the county vehicle registration fees for that type of vehicle shall be reduced by an amount equal to the increase in the state registration fee for that type of vehicle.

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