

**AN ORDINANCE TO AMEND THE CHARLOTTESVILLE CITY CODE
ARTICLE XIV. TAX ON PROBATE OF WILL OR GRANT OF ADMINISTRATION
SECTIONS 30-396 and 30-397
TO COMPLY WITH VIRGINIA CODE SEC. 58.1-1718**

WHEREAS, the General Assembly amended the Code of Virginia Secs, 58.1-1717.1 and 58.1-1718 to allow localities to charge a \$25 fee upon the recordation of a list of heirs pursuant to Va. Code Sec. 64.2-509 or upon the recordation of an affidavit filed pursuant to Va. Code Sec. 64.2-510, unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate; and

WHEREAS, amending the City Code to allow the Circuit Court Clerk to collect this fee will provide additional revenue to the City; and

WHEREAS, the required public hearings on the proposed amendment have been conducted; and

WHEREAS, this City Council has considered staff recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 30, Sections 396 and 397, respectively, of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Sec. 30-396. - Levied.

There is hereby imposed and levied by the city a tax equal to one-third of the amount of the state tax collectible for the state on the probate of a will or the grant of administration. Unless a will has been probated or an administration granted on the decedent's estate, a \$25 fee shall be charged for the recordation of a list of heirs pursuant to § 64.2-509 or an affidavit pursuant to § 64.2-510, as provided in § 58.1-1717.1 and § 58.1-1718.

(Code 1976, § 10-45)

Sec. 30-397. - Collection.

The clerk of the circuit court for the city shall collect the tax and fee imposed by this article and pay the same to the city treasurer.

(Code 1976, § 10-45)

Suggested Motion: I move that Chapter 30, Sections 396 and 397 of the Code of the City of Charlottesville be amended.