

JUN 20 1994

ORDINANCE NO. 66A-32

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; AND ARTICLE II. DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that effective July 1, 1994, Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of State law; and Section 11-28, Adoption of state law, generally.

#### Chapter 11. Motor Vehicles and Traffic

##### Article I. In General

##### Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~1993~~ 1994, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate

or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

**State law reference** - General authority of County to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., Section 15.1-132; authority to adopt state law on the subject, Code of Va., Section 46.2-1313.

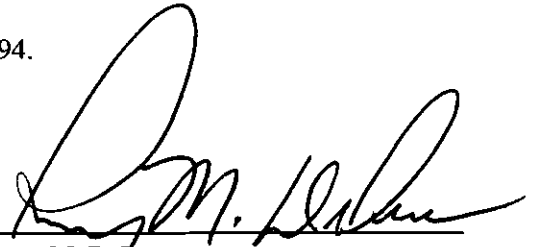
**ARTICLE II. Driving Automobiles, etc., While Intoxicated  
or Under the Influence of Any Drug**

Section 11-28. Adoption of state law, generally.

Article 9 (Section 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, ~~1993~~ 1994, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this Section.

**State law reference** - General authority of county to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., 15.1-132; authority to adopt state law on the subject, Code of Va. § 46.2-1313.

The effective date of this Ordinance shall be July 1, 1994.



Perry M. DeFue  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MAGOON	AYE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 20th day of June, 1994.

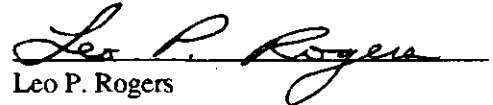
**MEMORANDUM**

**DATE:** June 20, 1994  
**TO:** The Board of Supervisors  
**FROM:** Leo P. Rogers, Assistant County Attorney  
**SUBJECT:** Ordinance for Driving While Intoxicated (D.W.I.) and Traffic Enforcement

---

The attached Ordinance incorporates by reference into the James City County Code the amendments made by the General Assembly to the D.W.I. and traffic laws which become effective July 1, 1994. Other Code revisions necessitated by General Assembly action will be coming to the Board in July and August for public hearings. The applicable D.W.I. and traffic laws must be in effect by July 1 because the County police are now charging traffic offenders under the County Code. To accomplish this, it is necessary that the Ordinance be adopted at this time.

I recommend adoption of the Ordinance.

  
Leo P. Rogers

CONCUR:

  
Frank M. Morton, III

FMM/tlp  
0515u.wpf

Attachment