

ADOPTED

JUN 21 1993

ORDINANCE NO. 66A-31

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 11-6, "BUSINESS DISTRICT" AND "RESIDENCE DISTRICT" DEFINED; 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, 1993, Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-6, Definitions; 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 11-6. ~~"Business district" and residence district" defined.~~ *Definitions.*

For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Business district. The territory contiguous to a highway where seventy-five (75) per centum or more of the property contiguous to a highway, on either side of the highway, for a distance of three hundred (300) feet or more along the highway is occupied by land and buildings actually in use and operation for business purposes shall constitute a business district for purposes of this chapter.

Highway. The entire width between the boundary lines of every public road, street; way or place open to the use of the public for purposes of vehicular travel in the County. For law enforcement purposes only, highway shall include all private roads, streets or other access ways located within any residential development containing 100 or more lots.

Residence district. The territory contiguous to a highway, not comprising a business district, where seventy-five (75) per centum or more of the property contiguous to such highway, on either side of the highway, for a distance of three hundred (300) feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes shall constitute a residence district for the purposes of this chapter.

State law reference - For similar definitions relating to state motor vehicle laws, Code of Va., Section 46.2-100 and Section 46.2-1307.

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, 1992 1993, 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. ~~References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. For law enforcement purposes only, all private roads and private streets located within any residential development containing 100 or more lots shall be designated highways as defined by Section 46.2-100 of the Code of Virginia, as amended.~~ 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, 1992-1993, 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.

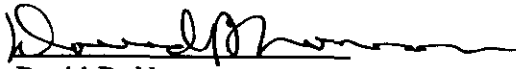
State law reference - General authority of county to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., 15.1-132; authority to adopt state law on the subject, Code of Va. § 46.2-1313.

The effective date of this Ordinance shall be July 1, 1993.



Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 21st day of June,
1993.

M E M O R A N D U M

DATE: June 21, 1993
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, 1993. In addition, the ordinance incorporates State laws pertaining to driving offenses or privileges of minors. Other Code revisions necessitated by General Assembly action will be coming to the Board in July and August for public hearings. However, because the County police are now charging traffic offenders under the County Code, the applicable D.W.I. and traffic laws must be in effect July 1. 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

PUBLIC HEARING NOTICE

The Board of Supervisors of James City County, Virginia, will conduct public hearings on Monday, June 21, 1993 at 7:00 P.M. in the County Government Center Board Room, 101-C Mounts Bay Road, James City County, Virginia, to consider the following:

- ✓ 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 11-6, "BUSINESS DISTRICT" AND "RESIDENCE DISTRICT" DEFINED; SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II. DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28, ADOPTION OF STATE LAW, GENERALLY; to adopt by reference the State Code provisions amended by the General Assembly which become law on July 1, 1993

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-13, COURTHOUSE FEE; to authorize imposition of certain fees after July 1, 1993.

All interested persons are invited to attend the hearings. The ordinances are on file in the County Attorney's office and may be viewed during normal office hours at the County Government Center, 101-C Mounts Bay Road, James City County, Virginia.

DAVID B. NORMAN
COUNTY ADMINISTRATOR

To be aired live on Cable TV Channel 36 Government Information Channel.

DAILY PRESS - LEGAL - June 7 and June 14, 1993

NOT FOR PUBLICATION

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