

ADOPTED

JUL 8 1997

ORDINANCE NO. 66A-40

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 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

##### **Sec. 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, ~~1996~~ 1997, 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.

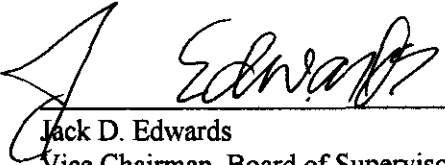
**State law reference** - General authority of County to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., § Section 15.1-132; authority to adopt state law on the subject, Code of Va., § 46.2-1313.

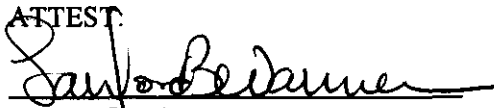
**Article II. Driving Automobiles, Etc., While Intoxicated  
or Under the Influence of any Drug**

**Sec. 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, ~~1996~~ ~~1997~~, 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.

  
\_\_\_\_\_  
Jack D. Edwards  
Vice Chairman, Board of Supervisors

ATTEST:  
  
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of July, 1997.

*file*

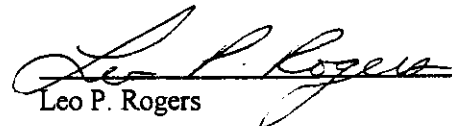
**MEMORANDUM**

DATE: July 8, 1997  
TO: The Board of Supervisors  
FROM: Leo P. Rogers, Deputy County Attorney  
SUBJECT: Ordinance for Driving While Intoxicated (D.W.I.) and Traffic Enforcement

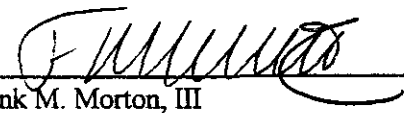
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The attached Ordinance incorporates by reference into the James City County Code the 1997 amendments made by the General Assembly to the D.W.I. and traffic laws. Other Code revisions necessitated by General Assembly action will be coming to the Board in July and August for public hearings. The County police are charging traffic offenders under the County Code which must be amended to reflect the State's changes to the applicable D.W.I. and traffic laws. To continue this procedure, it is necessary that the Ordinance be amended.

I recommend adoption of the Ordinance.

  
Leo P. Rogers

CONCUR:

  
Frank M. Morton, III

LPR/iow  
2dwi.mem

Attachment

NOTICE OF PUBLIC HEARING

The Board of Supervisors of James City County, Virginia, will conduct a public hearing on Tuesday, July 8, 1997, 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 11-7, 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; to adopt by reference the State Code provisions amended by the General Assembly.

All interested persons are invited to attend the hearing. The ordinance is 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.

Persons requiring an accommodation in order to participate in the hearing should call 253-6605, County Administration, three days prior to the meeting.

SANFORD B. WANNER  
COUNTY ADMINISTRATOR

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

Daily Press - LEGAL - June 24 and July 1, 1997.

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NOT FOR PUBLICATION

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