

FILE MEMORANDUM

To: File

From: Adam Kinsman, County Attorney

Date: May 8, 2023

Re: Ordinance No. 220 Renumbered to Ordinance No. 66A-78

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ISSUE AND FACTS:

It has come to my attention that Ordinance No. 220 adopted by the Board of Supervisors on July 11, 2017 (the "Ordinance") contains an error in the Ordinance number. The Ordinance was assigned a free-standing ordinance number when it should have been assigned an ordinance number under County Code Chapter 13, Motor Vehicle and Traffic.

ANALYSIS:

Clerical mistakes may be corrected on judgments and other legal documents if the correction does not affect the substance of the document. Clerical mistakes include "errors therein arising from oversight or from an inadvertent omission." Code of Virginia § 8.01-428(B). The mis-numbering of the Ordinance is an oversight and a singular clerical error that is immaterial to the content of the Ordinance.

CONCLUSION:

It is my opinion that the incorrect numbering of a James City County Code of Ordinances constitutes a clerical mistake. The Ordinance should be given a new ordinance number under Chapter 13 of the James City County Code.