

**COUNTY ADMINISTRATOR'S OFFICE
P. O. BOX 111
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on July 14, 2015, the following action was taken:

150714 – PH2

RE: PROPOSED AMENDMENTS TO THE ORANGE COUNTY CODE OF ORDINANCES REGARDING RECKLESS DRIVING CONVICTIONS

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board adopted the following ordinance as amended:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I, SECTION 62 OF THE
ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE IMPLEMENTATION OF FEES
FOR CERTAIN RECKLESS DRIVING CONVICTIONS

WHEREAS, Article I (In General), Section 62 (Traffic and Vehicles), of the Orange County Code of Ordinances is in need of revision in order to implement fees for certain reckless driving convictions in Orange County; and

WHEREAS, the County Attorney has drafted and recommended language for said revisions, which were presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on July 14, 2015, concerning the proposed revisions, and hereby finds and determines that the proposed revisions are necessary and are consistent with the requirements of State-enabling legislation;

NOW, THEREFORE, BE IT ORDAINED, on this 14th day of July, 2015, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I, Section 62 of the Orange County Code of Ordinances concerning the implementation of fees for certain reckless driving convictions, as amended and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

MOTION APPROVED



R. Bryan David
County Administrator

cc: Glenda Bradley, Finance Director
Connie Clark, Accountant
Thomas Lacheney, County Attorney
File: Board Actions 2015

Attachment: Adopted Amendments to the Orange County Code of Ordinances

Adopted Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 150714 – PH2
by the Orange County Board of Supervisors
on July 14, 2015**

Article I – In General

Sec. 62-1. - State traffic laws adopted.

Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, Title 46 (§ 46.2-100 et seq.), and in Code of Virginia, Title 18.2 Chapter 7, Article 2 (§ 18.2-266 et seq.) except those provisions and requirements, the violation of which constitutes a felony or by nature can have no application to or within the county, are hereby adopted and incorporated in to this chapter and made applicable within all parts of the county not incorporated. The adoption of the above referenced statutes is to include all future amendments to those aforementioned statutes as authorized by Code of Virginia, § 1-13.39:2. 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 unincorporated portions of the county to violate, fail, neglect or refuse to comply with any of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, Title 46 (§ 46.2-100 et seq.) and in Code of Virginia, Title 18.2 Chapter 7, Article 2 (§ 18.2-266 et seq.), which are adopted by this section.

(Ord. of 6-10-1997(1); Ord. of 6-10-2003; Ord. of 6-14-2005(4))

Sec. 62-2. - Reimbursement of expenses incurred in responding to DUI and other traffic incidents.

~~(a) Any persons convicted of violating any of the following provisions shall be liable in a separate civil action, for reasonable expenses incurred by the county or by any county volunteer fire or rescue squad, or both county and volunteer services, when providing appropriate emergency response to any accident or incident related to such violation:~~

~~(1) The provisions of Code of Virginia, §§ 18.2-54.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;~~

~~(2) The provisions of Code of Virginia, Title 46.2, Chapter 8, Article 7 (§ 46.2-852 et seq.) relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;~~

~~(3) The provisions of Code of Virginia, Title 46.2, Chapter 3, Article 1 (§ 46.2-300 et seq.), relating to driving without a license or driving with a suspended or revoked license; and~~

~~(4) The provisions of Code of Virginia, § 46.2-894, relating to improperly leaving the scene of an accident.~~

~~(b) Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000.00 in the aggregate for a particular accident or incident occurring in the county. Per Code of Virginia, § 15.2-1716, the county determines that the "reasonable expenses," incurred is a flat fee of \$250.00 for each agency responding to the incident. As used in this section, "appropriate emergency response" includes all costs of providing law enforcement, firefighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the county, or to any volunteer fire or rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of vehicle or other conduct as set forth herein.~~

~~(c) The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, fire fighting, rescue and emergency medical services.~~

~~(d) The court may order as restitution the reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing.~~

(Ord. of 6-14-2005(5); Ord. of 1-23-2007; Ord. of 10-13-2009(2))

- (a) Any person who is convicted of violating any of the following provisions shall at the time of sentencing, be liable to Orange County or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office of the county, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Further, a person convicted of violating any of the following provisions shall, at the time of sentencing, be liable to the county or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the county when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of the county, or by any volunteer fire or rescue squad, or by any combination of the foregoing:

Violations:

- (1) The provisions of Code of Virginia, §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02 or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
 - (2) The provisions of Code of Virginia, Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
 - (3) The provisions of Code of Virginia, Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license; and
 - (4) The provisions of Code of Virginia, § 46.2-894 relating to improperly leaving the scene of an accident.
- (b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed \$1,000.00 in the aggregate for a particular accident, arrest, or incident occurring in the county. In determining the "reasonable expenses," the county may bill a flat fee of \$350.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law enforcement, firefighting, rescue and emergency medical services. The court may order as restitution the reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the commonwealth, to the county or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.

State Law Reference - Code of Virginia, § 15.2-1716, as amended.

Secs. 62-3—62-35. - Reserved.