

MEMORANDUM

DATE: June 22, 2004

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic; Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

The attached ordinance incorporates by reference into the James City County Code, the 2004 amendments made by the General Assembly to the D.W.I. and traffic laws. 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.

In addition, the proposed ordinance adds Section 13-7(b). This paragraph expresses the Board's intent to incorporate new changes to the State Code without formal amendment. Although this provision is permitted by State law, staff still intends to bring annual updates to the Board.

Staff recommends adoption of the attached ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/gs
DWIord4.mem

Attachment