

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-29, RECOVERY OF EXPENSES FOR EMERGENCY RESPONSE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-29, Recovery of expenses for emergency response.

Chapter 13. Motor Vehicles and Traffic

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

Sec. 13-29. Recovery of expenses for emergency response.

~~Any person who is convicted of violating Virginia Code Sections 18.2-51.4, 18.2-266, or 29.1-738 or county code section 13-28, when his operation of a motor vehicle, engine, train, or watercraft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the county or to any volunteer rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular accident or incident occurring in the county. In determining the "reasonable expense," the county may bill a flat fee of \$250 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, fire fighting, 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 or operation of a vehicle as set forth herein.~~

(a) Any person who is convicted of violating any of the following provisions shall be liable for restitution at the time of sentencing or in a separate civil action to the county or to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency services, including 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:

(1) The provisions of Virginia Code Sections 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, or 29.1-738.02 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 Virginia Code Section 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 Virginia Code Section 46.2-300 et seq. relating to driving without a license or driving with a suspended or revoked license;

(4) The provisions of Virginia Code Section 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 in the aggregate for a particular accident or incident occurring in the

county. In determining the "reasonable expenses" at the time of sentencing, the county's flat fee shall be \$250 unless the county otherwise provides 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, fire-fighting, rescue, and emergency medical services. In addition to the foregoing, the court may order as restitution the reasonable expenses incurred by the county for responding law enforcement, fire-fighting, 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 Va., § 15.2-1716.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2006.

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