**TOWN OF IRVINGTON**

**ORDINANCE AMENDMENT #2022-09**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE TOWN CODE** **TO ADOPT STATE TRAFFIC LAWS TO BE ENFORCED LOCALLY, TO PROVIDE PREDETERMINED COMPENSATION FOR TOWN OFFICERS, AND TO CLARIFY THAT TOWN OFFICERS AUTHORIZED TO MAKE ARRESTS AND ENFORCE TOWN TRAFFIC REGULATIONS INCLUDES THE SHERIFF AND DEPUTY SHERIFFS.**

**WHEREAS,** having considered matters relevant and/or appropriate to consider,the Town Council of Irvington, Virginia, believes it is appropriate to amend Chapter 70 of the Town Code to adopt state traffic laws to be enforced locally, to provide predetermined compensation for town officers, and to clarify that town officers authorized to make arrests and enforce town traffic regulations includes the sheriff and deputy sheriffs and state troopers; and

**WHEREAS**, the legal authority for the proposed amendment is the Town Charter and Section 46.2-1313 of the Code of Virginia (1950), as amended.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED,** that the Town Council of the Town of Irvington, Virginia does hereby amend the Town Code as follows:

**§ ~~70.01~~70.00 DEFINITIONS.**

**…**

**PEACE OR POLICE OR TOWN OFFICER.** Every officer authorized to direct or regulate traffic or to make arrests or issue summons or citations for violations of traffic regulations, including without limitation the Lancaster County Sheriff or any deputy sheriff thereof.

**…**

**§ 70.01 ADOPTION OF STATE LAW.**

(a) Pursuant to the authority of Section 46.2-1313 of the Code of Virginia 1950 (as amended), all of the provisions and requirements of the laws of the state contained in Title 46.2 and in Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia as in force and effect on July 1, 2022, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. As permitted by Section 1-220 of the Code of Virginia (1950), as amended, all amendments to these applicable provisions and requirements of the laws shall be incorporated into this chapter upon their adoption as state law and shall become effective on the same date they become effective as state law. References to highways of the state contained in the provisions and requirements adopted in this section shall be deemed to refer to the streets, highways and other public ways (including private roads, streets or ways) within the town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length therein, 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 or of Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia.

(b) All definitions of words and phrases contained in the state law adopted in this section shall apply to such words and phrases when used in this chapter unless clearly indicated to the contrary.

(c) The penalties imposed for the violation of any provision or requirement adopted by this section are:

(1) As provided by general law for similar offenses under Title 46.2 or under Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia; or

(2) As otherwise provided in this chapter, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted by this section exceed the penalty imposed for similar offenses under Title 46.2 or under Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia.

(d) Any person who is convicted in the town of a DUI and 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 to the town for the reasonable expense thereof, in the flat amount of two hundred fifty dollars ($250.00), or such greater amount of actual expenses, not to exceed one thousand dollars ($1,000.00). As used in this section, "appropriate emergency response" includes all town-incurred costs of providing law-enforcement and also firefighting, rescue, and emergency medical services, if any. The provisions of this section shall not preempt or limit any remedy available to the town 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.

(e) The provisions of this section shall apply notwithstanding any provision of the Town Code to the contrary.

**§ 70.02 ENFORCEMENT BY TOWN OFFICERS; OFFICERS TO BE UNIFORMED; OFFICERS TO BE PAID FIXED AND DETERMINED COMPENSATION~~SALARIES~~.**

Every town officer shall enforce the provisions of this title; provided, that such officer shall be uniformed at the time of such enforcement or shall display his or her badge, or other sign of authority; and, provided further, that all officers making arrests incident to the enforcement of this title shall be paid fixed and determined ~~salaries~~compensation by the Town for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this title. (1961 Code, § 8-2)

**BE IT FURTHER ORDAINED AND ENACTED,** that this ordinance shall take effect immediately upon the adoption hereof.

**ADOPTED: This \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 2022.**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Clerk of the Town Council of Irvington, Virginia

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Mayor, Julie Harris