

At a regular meeting of the Russell County Board of Supervisors held in the County Administration Building, Lebanon, Virginia, on the 3rd day of October, 2011, on motion of Shy Kennedy, seconded by Bill Wampler, which passed by a 6-0 vote, the following Ordinance was passed:

**Russell County Ordinance: Chapter 38 – MOTOR VEHICLES AND TRAFFIC –
ARTICLE I. – IN GENERAL**

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Sec. 38-1. - Adoption of state law.

Sec. 38-2. - Applicability of chapter to incorporated towns.

Sec. 38-3. - Violations; penalties.

Sec. 38-4. - Disposition of fines.

Sec. 38-5. - Parade permit required; exceptions; regulations generally.

Sec. 38-6. – Amendments.

Sec. 38-7. – Effective date.

Sec. 38-1. - Adoption of state law.

Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the state contained in Code of Virginia, title 46.2 and in article 2 of chapter 7 of title 18.2 of the Code of Virginia (Code of Virginia, § 18.2-266 et seq.), 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 county, are adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. 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 county to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2, and in article 2 of chapter 7 of title 18.2 of the Code of Virginia (Code of Virginia, § 18.2-266 et seq.), which are adopted by this section; provided, that in no event shall the penalty for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2, and in article 2 of chapter 7 of title 18.2 of the Code of Virginia (Code of Virginia, § 18.2-266 et seq.).

State law reference— Authority to adopt, Code of Virginia, § 46.2-1313.

Sec. 38-2. - Applicability of chapter to incorporated towns.

The provisions of this chapter shall not be applicable in the corporate limits of any incorporated town in the county.

State law reference— Applicability, Code of Virginia, § 46.2-1311

Sec. 38-3. - Violations; penalties.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto; and, unless otherwise provided, any such violation shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

State law reference— Penalties for violations of traffic regulations, Code of Virginia, § 46.2-113; state law prohibiting counties from imposing penalty for violation of traffic ordinance in excess of that imposed for a similar state law offense, Code of Virginia, § 46.2-1300.

Sec. 38-4. - Disposition of fines.

All fines imposed pursuant to this chapter shall be paid into the general fund of the County.

State law reference— Similar provisions, Code of Virginia, § 46.2-1308.

Sec. 38-5. - Parade permit required; exceptions; regulations generally.

No parade, excepting the armed forces of the United States and the military forces of the state, shall occupy, march or proceed along any highway in the county except in accordance with a permit issued by the County Administrator.

Sec. 38.6. – Amendments.

All future acts of the General Assembly or state regulations amending provisions of the Motor Vehicle Code of Virginia, adopted herein, are hereby adopted and incorporated herein by reference.

State law reference--- Local ordinances incorporating state law by reference, Code of Virginia, § 1-220.

Sec. 38-7. – Effective Date.

This Ordinance shall take effect immediately upon its passage.

The Members of the Board of Supervisors voted as follows: October 3, 2011.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
JON BOWERBANK	<u>X</u>	_____	_____
BILLY WAYNE WAMPLER	<u>X</u>	_____	_____
ERNEST "SHY" KENNEDY	<u>X</u>	_____	_____
ROBERT J. KEEN	<u>X</u>	_____	_____
DANNY BROWN	<u>X</u>	_____	_____
JOSEPH PUCKETT	<u>X</u>	_____	_____

A COPY TESTE:

Marycarol C. White
 Marycarol C. White, Clerk
 Russell County Board of Supervisors

1102469

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 10-4-, 2011. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:11 o'clock P M, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Board of Supervisors

TESTE: ANN S. McREYNOLDS, CLERK
 BY: Melinda Cochran D. CLERK