

May 2, 2011

The regular monthly meeting of the Russell County Board of Supervisors was held on Monday, May 2, 2011 at the Russell County Governmental Center in Lebanon, Virginia beginning at 6:00 P.M.

PRESENT: Danny Brown, Chairman
Bill Wampler, Vice Chairman
Bob Keene, Member
Shy Kennedy, Member
Jon Bowerbank, Member
Joseph Puckett, Member

PUBLIC HEARING – RUSSELL COUNTY MOTOR VEHICLE ORDINANCE

Pursuant to having advertised in a local newspaper for two (2) successive weeks a Public Hearing was held to consider adoption of a proposed ordinance to adopt certain state code sections related to motor vehicle violations as County offenses. The Chairman called the Public Hearing to order. The County Administrator conducted the Public Hearing. The floor was open to receive public comments. No comments being received the Chairman closed the Public Hearing.

Motion made by Joseph Puckett, second by Jon Bowerbank and duly approved by the Board of Supervisors to approve the following ordinance:

**Chapter 38 – MOTOR VEHICLES AND TRAFFIC – ARTICLE I, - IN
GENERAL**

ARTICLE I. IN GENERAL

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; regulation generally

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 on the 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 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 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 within the county to violate or fail, neglect or refuse to comply with any provision 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, §46.2-1313; state law prohibiting counties from imposing penalty for violation of traffic ordinance in excess of the 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. Effective Date

This ordinance shall take effect immediately upon its passage.

The vote was:

	Ayes	Nays	Absent
Jon Bowerbank	<u>X</u>	<u> </u>	<u> </u>
Billy Wayne Wampler	<u>X</u>	<u> </u>	<u> </u>
Ernest "Shy" Kennedy	<u>X</u>	<u> </u>	<u> </u>
Robert Keene	<u>X</u>	<u> </u>	<u> </u>
Danny Brown	<u>X</u>	<u> </u>	<u> </u>
Joseph Puckett	<u>X</u>	<u> </u>	<u> </u>

Alice D. Meade

Alice D. Meade, Deputy Clerk
Russell County Board of Supervisors

State of Virginia. County of Russell. This 28th day of June, 2011, Alice D. Meade appeared before me.

Karen Davis
Notary, Karen Davis

Oct. 31, 2013
Commission Expires

