

**At a Regular Meeting of the Council of the Town of Boones Mill**

**Held at the Town Office December 13, 2016**

**An ordinance amending the Offenses Ordinance effective March 19, 1990.**

Whereas, the Town Council desires to amend the ordinance of Offenses enacted effective March 19, 1990; and

Whereas, Town Council held a public hearing on this matter December 13, 2016; and

Whereas, legal notice and advertisement has been provided as required by law.

Now, therefore, be it Ordained that Town Council amends and re-enacts the Offenses Ordinance to strike the entire current text and to read as follows:

**Offenses Generally**

**Definitions.**

Words and phrases used and contained in this chapter shall have the meanings ascribed to them by the Code of Virginia, except where the context clearly requires a different meaning.

References to “highways of the state” contained in the Code of Virginia as applied in town law enforcement shall be deemed to refer to the highways and public ways within the town.

**Section 1. Adoption of state law for misdemeanor offenses.**

Pursuant to Code of Virginia of 1950 Title 18.2, as amended, all of the provisions and requirements of the laws of the state contained in Title 18.2 of such Code, and all future amendments thereto, 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 as part of this chapter of the town code by reference and made applicable within the town. Such provisions and requirements, and all future amendments thereto, are hereby adopted, mutatis mutandis, and made part of this chapter of the town code as fully as though set forth at length herein.

No person shall violate or fail, neglect, or refuse to comply with any provision of Code of Virginia of 1950 Title 18.2, as amended, and all future amendments thereto, which are adopted by this section. In no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under the Code of Virginia.

### *Felony prosecution*

Felony violations shall be prosecuted under State Code, not this town ordinance.

### **Section 2. State misdemeanors adopted for traffic infractions.**

All misdemeanors described in state law are deemed to be violations of this Code and are adopted as part of this Code and shall be punishable as a class 3 misdemeanor unless otherwise stated.

#### *Violations generally.*

(1) Unless otherwise specifically provided in this section or in any provision of the Code of Virginia incorporated by reference in this section, a violation of any provision of this section shall constitute a traffic infraction, punishable as a class 3 misdemeanor.

(2) The fines in a prepayment schedule under the Code of Virginia may be paid for violations of this chapter. The Town will utilize prepayments for all eligible violation. Other traffic violations will require a court appearance.

#### *Scope.*

This chapter shall apply to every street, road, lane, boulevard, alley, sidewalk, driveway, parking lot and other way for vehicular or pedestrian traffic within the town the use of which the town has jurisdiction and authority to regulate.

#### *Adoption of state law generally.*

Pursuant to the provisions of Code of Virginia, Section 46.2-1313, all of the provisions and requirements of the laws of the commonwealth relating to the operation of vehicles contained in Code of Virginia, Title. 46.2, the violation of which are misdemeanors or traffic infractions, except those which, by their very nature, can have no application within the town, are adopted and made a part of this chapter as fully as though set out verbatim in this chapter, and are made applicable within the town. It shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any section of the Code of Virginia which is adopted in this section. The penalty for such violation shall be punishable as a class 3 misdemeanor unless otherwise stated.

### **Section 3. Adoption of county code for misdemeanor offenses.**

Pursuant to the Code of Franklin County, Virginia of 1983, as amended, all of the provisions and requirements of the ordinances of the County contained in such Code, and all future amendments thereto, 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 as part of this chapter of the town code by

reference and made applicable within the town. Such provisions and requirements, and all future amendments thereto, are hereby adopted, mutatis mutandis, and made part of this chapter of the town code as fully as though set forth at length herein.

No person shall violate or fail, neglect, or refuse to comply with any provision of Code of Franklin County of 1983, as amended, and all future amendments thereto, which are adopted by this section. In no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under the Code of Franklin County.

#### **Section 4. Enforcement by police.**

It shall be the duty of the chief of police, the officers of the police department, and such other officers as are assigned by the chief of police to:

- (1) Enforce the provisions of this chapter;
- (2) Make arrests for crimes and traffic violations;
- (3) Assist in the prosecution of persons charged with such violations and infractions;
- (4) Investigate accidents;
- (5) Cooperate with other officials of the town in the administration of this chapter and in developing ways and means to improve traffic conditions; and
- (6) Carry out those duties specially imposed by this chapter and other ordinances of the town relative to traffic.

Such officers shall be uniformed at the time of such enforcement or shall display their badges or other signs of authority. All officers making arrests incident to the enforcement of this chapter shall be paid fixed and determined wages or salaries for their services; they 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 chapter.