

ORDINANCE NO. 92-1
DRIVING WHILE INTOXICATED AND MOTOR VEHICLE ORDINANCE
WYTHE COUNTY, VIRGINIA

ARTICLE I - Title and Jurisdiction

- 1.1 Title. This ordinance shall hereinafter be known as, and may be cited as the "Driving While Intoxicated Ordinance and Motor Vehicle Ordinance of Wythe County, Virginia," Ordinance No. 92-1.
- 1.2 Jurisdiction. The provisions of this ordinance shall apply to Wythe County, Virginia, excluding the incorporated municipalities.

ARTICLE II - Adoption of State Laws

- 2.1 Pursuant to the provisions of Section 46.2-1313 of the Code of Virginia, as amended, and Section 15.1-132 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as now or hereafter amended, except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated by reference, made a part of this ordinance, and made applicable within the county as though fully set forth herein. 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 Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as amended, which is adopted by this section, provided that 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 Article 2 (Section 18.2-266 et seq.) of Chapter 6 of Title 18.2 of the Code of Virginia.
- 2.2 Pursuant to the provision of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as now or hereafter amended, except those provisions and requirements which by their very nature can have no application to or within the county, and except those provisions and requirements, the violation of which constitutes a felony, are hereby adopted and incorporated by reference, made a part of this ordinance, and made applicable within the county as though fully set forth herein. References therein to "highways of the state"

shall be deemed to refer to streets, 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 provisions of Title 46.2 of the Code of Virginia, as amended, which is adopted by this ordinance, provided that 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 Title 46.2 of the Code of Virginia. If there shall be any inconsistency between this chapter and Title 46.2 of the Code of Virginia, the provisions of this chapter shall take precedence.

ARTICLE III - Legal Status Provisions

- 3.1 Certified Copies of Ordinances. Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the County Administrator and the Clerk of the Circuit Court of Wythe County, Virginia.
- 3.2 Validity. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
- 3.3 Conflicting Ordinances. An ordinance adopting motor vehicle title codes of Virginia, Ordinance number 76-1 adopted effective June 9, 1976, Driving While Intoxicated Ordinance, Wythe County, Virginia, Ordinance number 84-1, adopted May 9, 1984, and all other ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.
- 3.4 Effective Date. Pursuant to Section 15.1-504 of the Code of Virginia, as amended, this ordinance is adopted, this 14th day of April, 1992, as an emergency ordinance, the Board of Supervisors having determined that an emergency exists. This ordinance was duly considered following a required public hearing held on the 12th day of May, 1992 and was readopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting on the 12th day of May, 1992, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
G. Andrew Kegley, Jr.	X		
Mark C. Munsey	X		

R. T. DuPuis	X
Olin F. Armentrout	X
Alan A. Dunford	X
James J. Crosswell	X
John E. Davis, Jr.	X

This ordinance shall be effective on and after 12:01 a.m. on the 13th day of May, 1992.

I certify that this is a true and correct copy taken from the May 12, 1992 minutes of the Wythe County Board of Supervisors.

Billy R. Branson, Clerk