

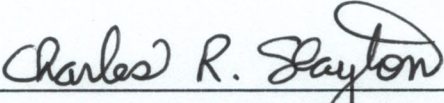
**RESOLUTION OF LUNENBURG COUNTY
BOARD OF SUPERVISORS
REGARDING ADOPTION OF LUNENBURG COUNTY CODE §73-4**

WHEREAS, the Lunenburg County Board of Supervisors observed a need in Lunenburg County regarding adoption of Lunenburg County Code 73-4, reimbursement of expense incurred in responding to DUI/impaired driving and other traffic accidents and incidents, and in issuing certain arrest warrants and summonses; and

WHEREAS, the Board of Supervisors conducted a public hearing on December 14, 2023 at their monthly meeting; and

WHEREAS, Board of Supervisors approved and adopted the Lunenburg County Ordinance Code 73-4, regarding reimbursement of expenses incurred in responding to DUI/impaired driving and other traffic accidents and incidents, and in issuing certain arrest warrants and summonses by a vote of 7 to 0.

NOW, THEREFORE, the Lunenburg County Board of Supervisors does hereby resolve that the Lunenburg County Code §73-4 regarding reimbursement of expenses incurred in responding to DUI/impaired driving and other traffic accidents and incidents, and in issuing certain arrest warrants and summonses, is hereby approved and adopted this 14th day of December, 2023.



Chairman, Lunenburg Board of Supervisors

	<u>AYE</u>	<u>NAY</u>
Dr. Bacon	<u>✓</u>	_____
Mr. Edmonds	<u>✓</u>	_____
Mr. Hankins	<u>✓</u>	_____
Mr. Hoover	<u>✓</u>	_____
Mr. Pennington	<u>✓</u>	_____
Mr. Slayton	<u>✓</u>	_____
Mr. Zava	<u>✓</u>	_____

County Ordinance Sec. 73-4. –Reimbursement of expenses incurred in responding to DUI/Impaired Driving and other traffic accidents and incidents.

Sec. 73-4. – Reimbursement of expenses incurred in responding to DUI/Impaired Driving and other traffic accidents and incidents, and in issuing certain arrest warrants and summonses.

(a) Any person convicted of violating any of the following provisions of the Code of Virginia, or any similar ordinances in the County Code, shall, at the time of sentencing or in a separate civil action, be liable to the County, including the Sheriff's Office, or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Further, any person convicted of violating any of the following provisions of the Code of Virginia, or any similar ordinances in the County Code, shall, at the time of sentencing or in a separate civil action, also be liable to the county for restitution of reasonable expenses incurred by the County when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office. Persons convicted of violating the following provisions or of violating any similar County ordinances shall be liable for restitution under this section:

- (1) The provisions of Code of Virginia §§ 18.2-36.1, 18.2-51.4, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24, or similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
 - (2) The provisions of Code of Virginia art. 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
 - (3) The provisions of Code of Virginia Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2, relating to driving without a license or driving with a suspended or revoked license; and
 - (4) The provisions of Code of Virginia § 46.2-894, relating to improperly leaving the scene of an accident
- (b) Personal liability for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed \$1,000.00 in the aggregate for a particular accident, arrest, or incident occurring in the country.

- (c) In determining the "reasonable expenses," a flat fee of \$350.00 may be billed or a minute-by-minute accounting of the actual costs incurred may be billed. The county may bill and recover fees or costs on behalf of the volunteer fire and rescue squads, or the volunteer fire and rescue squads may bill and recover their own fees and costs.
- (d) As used in this section "appropriate emergency response" includes all costs of providing law enforcement, firefighting, rescue, and emergency medical services.
- (e) The court may order as restitution the reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue, and emergency medical services.
- (f) In the event a person convicted of any of the aforementioned violations is not ordered to pay restitution or does not pay as restitution the full amount billed pursuant to subsection (c), then the County or volunteer fire or rescue squad should have a separate civil action against such person to recover any unpaid portion of the bill issued pursuant to subsection (c).
- (g) The provisions of Code of Virginia § 15.2-1716 and the provisions of this Section 306 shall not preempt or limit any remedy available to the Commonwealth, to the county, or to any volunteer fire or rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein, nor shall they preempt or limit the ability of a volunteer rescue squad to charge and recover fees for its services, including without limitation fees associated with transporting individuals to a hospital or other health care provider.

Authority found in Va. Code § 15.2-1716.