

AN ORDINANCE AMENDING  
ARTICLE I OF CHAPTER 74  
OF THE POWHATAN COUNTY CODE, "TRAFFIC AND VEHICLES"  
REGARDING REIMBURSEMENT OF EXPENSES FOR  
RESPONDING TO DUI INCIDENTS

BE IT ORDAINED by the Board of Supervisors of Powhatan County, Virginia, that Chapter 74, "Traffic and Vehicles" of the Powhatan County Code is amended as follows:

*Sec. 74-3. Reimbursement for expense of responding to DUI and related incidents.*

*A. Pursuant to the authority of Code of Virginia, § 15.2-1716, as amended, any—Any person who is convicted of any violation listed below, or any similar county ordinance, shall be liable in a separate civil action to Powhatan County, and also to any volunteer rescue squad, in the amount of \$250.00 for such emergency response: of violating any of the following provisions shall at the time of sentencing or in a separate civil action, be liable to Powhatan County 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 of the County, 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, a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the County or to any responding volunteer fire or rescue squad, or both, 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 of the County, or by any volunteer fire or rescue squad, or by any combination of the foregoing:*

*Violations:*

*(1) The provisions of Code of Virginia, §§ 18.2-51.4, 18.2-266 or § 29.1-738, or a 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, Article 7 (§ 45.2-852 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.~~

~~(Ord. of 8-9-04)~~

1. The provisions of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02 or 46.2-341.24, or a 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 Article 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 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 § 46.2-894 relating to improperly leaving the scene of an accident.

B. Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection A shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or incident occurring in the County. In determining the "reasonable expenses," the County may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue and emergency medical services. The court may order as restitution the reasonable expenses incurred by the County for responding law enforcement, firefighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the County or to any volunteer 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.

C. This ordinance is adopted pursuant to authority granted in § 15.2-1716 of the Code of Virginia (1950), as amended.

PASSED this \_\_\_\_\_ DAY OF JUNE, 2009.

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Robert R. Cosby, Chairman  
Board of Supervisors

ATTEST:

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Carolyn Cios, Clerk

RECORDED VOTE:

Robert R. Cosby    \_\_\_\_\_  
C. Scott Daniel    \_\_\_\_\_  
Charles D. Green    \_\_\_\_\_  
Carson L. Tucker    \_\_\_\_\_  
Joseph B. Walton    \_\_\_\_\_