

AN ORDINANCE TO PROHIBIT THE DRIVING OF MOTOR VEHICLES, ETC., WHILE UNDER THE INFLUENCE OF ALCHOLIC BEVERAGES, ETC.

In pursuance to an Act of the 1936 General Assembly of Virginia, the Board of Supervisors of Patrick County, at its regular meeting held on August 2nd, 1937, unanimously adopted the following ordinance:

AN ORDINANCE to prohibit the driving of motor vehicles, engines and trains in Patrick County, Virginia, by persons while under the influence of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, or any other liquid beverage or article, containing alcohol, or under the influence of any self-administered intoxicant or drug of any kind, and to prescribe the punishment therefor, and to provide for the revocation of drivers license in case of conviction for the violation thereof.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any motor vehicle, train, engine, or any other vehicle over any public highway, road or any other place generally used by the public within the County of Patrick, State of Virginia, while such person is under the influence of alcohol, brandy, rum, whiskey, gin, wine, lager beer, beer, ale, porter, stout, or any other liquid beverage or article containing alcohol or self-administered intoxicant or drug of whatsoever nature.

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not less than \$100.00, nor more than \$1000.00, or by imprisonment for not less than one month, nor more than six months, either or both in the discretion of the Court or Jury trying the same for a first offense. And the court, may in its discretion suspend the jail sentence during the good behavior of the defendant so convicted. Any person convicted of a second or subsequent offense under this ordinance shall be punished by a fine of not less than \$100.00, nor more than \$1000.00 and by imprisonment for not less than one month nor more than one year, and no court shall suspend the sentence in any such case.

The judgment of conviction if for a first offense under this ordinance shall of itself operate to deprive the person convicted of the right to drive or operate any such vehicle, conveyance, train or engine in this State, for a period of one year from the date of such conviction; and if for a second or subsequent conviction, for a period of three years from any such judgment or conviction.

If any person, while under judgment of the Court, where the right to drive or operate such vehicle, conveyance, train, or engine has been revoked, shall violate the same by again driving while under such judgment, then that person may be punished as for a misdemeanor as provided by the laws of the State of Virginia.

All fines collected by the Trial Justice Court of Patrick County, or by the Circuit Court of Patrick County on any case which may be appealed to that Court, shall be paid into the hands of the Treasurer of Patrick County at such times as may be practicable as provided by the general laws of the State of Virginia.

The Clerk of this Board shall forthwith cause the foregoing proposed ordinance to be duly published in the "Stuart Enterprise" for two successive weeks as is provided by the general laws of the State of Virginia.

The following ordinances proposed at the August meeting having been duly advertised as provided by law is hereby adopted:

Voting aye: Reid L. Gunter, W. A. Cockram and W. G. Anderson.

Voting nay: None.

ORDINANCE TO AMEND AND RE-ENACT THE PRESENT COUNTY ORDINANCE PROHIBITING THE DRIVING OF MOTOR VEHICLES, ETC., WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, ETC.

AN ORDINANCE to prohibit the driving or operation of any automobile or other motor vehicle, car, truck, engine or train in Patrick County, Virginia, by persons while under the influence of alcohol, brandy, rum, whisky, gin, wine, beer, lager beer, ale, porter, stout or any other liquid beverages or article containing alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, and to prescribe the punishment therefor, and to provide for the revocation of drivers license in case of conviction for the violation thereof.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any automobile or other motor vehicle, car, truck, engine or train within the County of Patrick, State of Virginia, while such person is under the influence of alcohol, brandy, rum, whisky, gin, wine, beer, lager beer, ale, porter, stout or any other liquid beverage or article containing alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature.

Any person who violates the foregoing provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment for not less than one month nor more than six months, either or both in the discretion of the court or jury trying the same, for the first offense, and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted.

Any person convicted of a second or other subsequent offense under the foregoing provision of this ordinance shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars and by imprisonment for not less than one month nor more than one year.

The judgment of conviction if for a first offense, under this ordinance shall of itself operate to deprive the person convicted of the right to drive or operate any such vehicle, conveyance, engine or train in this State for a period of one year from the date of such judgment, and if for a second or other subsequent offense within ten years thereof for a period of three years from the date of the judgment of conviction thereof.

If any person so convicted shall, during the time for which he is deprived of his right so to do, drive or operate any such vehicle, conveyance, engine, or train in this State, he shall be guilty of a misdemeanor and shall be confined in jail for a period of not less than ten days nor more than six months and may in addition be fined not exceeding five hundred dollars.

All fines collected by the Trial Justice Court of Patrick County, or by the Circuit Court of Patrick County on any case which may be appealed to that Court, shall be paid into the hands of the Treasurer of Patrick County, at such times as may be practicable as provided by the general laws of the State of Virginia.

(Section 15-553 of the 1950 Code of Virginia)

The following ordinance proposed at the regular meeting of the Board of Supervisors held at the Courthouse of Patrick County on February 10, 1964, having been duly advertised for adoption as provided by law, on motion of Harry M. Lawson seconded by Alvis E. Thompson and carried, is hereby adopted.

ORDINANCE TO AMEND AND RE-ENACT THE PRESENT COUNTY ORDINANCE PROHIBITING THE DRIVING OF MOTOR VEHICLES, ETC., WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, ETC.

AN ORDINANCE to prohibit the driving or operation of any automobile or other motor vehicle, car, truck, engine or train in Patrick County, Virginia, by persons while under the influence of alcohol, brandy, rum, whisky, gin, wine, beer, lager beer, ale, porter, stout or any other liquid beverage or article containing alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, and to prescribe the punishment therefore, and to provide for the revocation of drivers license in case of conviction for the violation thereof.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any automobile or other motor vehicle, car, truck, engine, or train within the County of Patrick, State of Virginia, while such person is under the influence of alcohol, brandy, rum, whisky, gin, wine, beer, lager beer, ale, porter, or stout or any other liquid beverage or article containing alcohol or while under the influence of any narcotic drug of whatsoever nature.

Any person who violates the foregoing provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or imprisonment for not less than one month nor more than six months, either or both in the discretion of the Court or Jury trying the same and for the first offense. Any person convicted within any period of ten years of a second or other subsequent offense under the provision of this ordinance or the previous ordinance to which this is an amendment, or convicted of a first offense or subsequent offense under Section 18.1-58 or former 18-75 of the Code of Virginia, shall be punishable by

a fine of not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and by confinement in jail for not less than one month nor more than one year, either or both.

The judgement of conviction or finding of not innocent in the case of a juvenile if for a first offense, under this ordinance shall of itself operate to deprive the person convicted or found not innocent of the right to drive or operate any such vehicle, conveyance, engine, or train in this State for a period of one year from the date of such judgement, and if for a second or other subsequent offense within ten years thereof for a period of three years from the date of the judgement of conviction or finding of not innocent thereof.

If any person so convicted shall, during the time for which he is deprived of his right so to do, drive or operate any such vehicle, conveyance, engine, or train in this State, he shall be guilty of a misdemeanor and shall be confined in jail for a period of not less than ten days nor more than six months and may in addition be fined not exceeding Five Hundred (\$500.00) Dollars, all fines collected by the County Court of Patrick County, or by the Circuit Court of Patrick County or any case which may be appealed to that Court, shall be paid unto the hands of the Treasurer of Patrick County, at such times as may be practicable as provided by the general laws of the State of Virginia.

Supervisors Order Book No. 9, p. 228-229
(Adopted January 20, 1976)

The following Ordinance proposed at the regular meeting of the Board of Supervisors of Patrick County, held at the Courthouse thereof, on December 8, 1975, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by Wm. Marshall Hall, seconded by Edward V. Pilson and unanimously carried, is hereby adopted:

ORDINANCE TO AMEND AND RE-ENACT THE PRESENT COUNTY
ORDINANCE PROHIBITING THE DRIVING OF MOTOR VEHICLES,
ETC., WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, ETC.

AN ORDINANCE to prohibit the driving or operation of any motor vehicle, engine or train in Patrick County, Virginia, by persons while under the influence of alcohol, or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature; and to prescribe the punishment therefor, and to provide for the revocation of drivers license in case of conviction for the violation thereof.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any motor vehicle, engine, or train within the County of Patrick, State of Virginia, while such person is under the influence of alcohol, or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature.

Any person who violates the foregoing provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred (\$500.00) Dollars, and confinement in jail for not more than six (6) months, either or both in the discretion of the Court or Jury trying the same, and for the first offense. Any person convicted within a period of ten years of a second or subsequent offense under the provisions of this Ordinance or the previous Ordinance or Ordinances to which this is an amendment, or having previously been convicted of a first offense or subsequent offense under Section 18.2-270 or former Section 18.1-58 of the Code of Virginia, or under the provisions of any Ordinance of any County, City or Town in this State substantially similar to the provisions of this Ordinance, shall be punished by a fine of not less than Two

Hundred (\$200.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, and by confinement in jail for not less than one month nor more than one year.

For the purpose of This Ordinance, a conviction or finding of not innocent in the case of a juvenile, under the provision of Section 18.2-226, formerly Section 18.1-54 (formerly Section 18-75), or under the provisions of any Ordinance of any County, City, or Town in this State, or the laws of any other State substantially similar to the provisions of Sections 18.2-266 through 18.2-269 of the Code of Virginia shall be considered a prior conviction.

The judgement of conviction, or the finding of not innocent in the case of a juvenile for a first offense under this Ordinance, or under the provisions of any Ordinance of any County, City, or Town in this State substantially similar to the provisions of Sections 18.2-266 through 18.2-269 of the Code of Virginia, shall of itself operate to deprive the person so convicted or found not innocent of the right to drive or operate any motor vehicle, engine, or train in this State for a period of not less than six months nor more than one year, in the discretion of the Court, from the date of such judgement; and if for a second or subsequent offense within ten years thereof, for a period of three years from the date of the judgement of conviction or finding of not innocent thereof; any such period in either case to run consecutively with any period of suspension for failure to permit a blood or breath sample to be taken, as required by Section 18.2-268 of the 1950 Code of Virginia, as amended.

If any person has heretofore been convicted or found not innocent of violating any similar act of this State, or any County, City, or Town Ordinance of this State, and is thereafter convicted or found not innocent of violation of the provisions of this Ordinance, such conviction or finding of not innocent shall, for the purpose of this Ordinance be a subsequent offense and shall be punished accordingly; and the Court may, in its discretion, suspend the sentence during the good behavior of the person convicted or found not innocent.

All fines collected by the General District Court of Patrick County, or by the Circuit Court of Patrick County, or any case which may be appealed thereto, shall be paid into the hands of the Treasurer of Patrick County, at

such times as may be practicable as provided by the general laws of the State of Virginia.

This Ordinance shall become effective on the 20th day of January, 1976.

Voting Aye: Slate, Hall, Joyce, Pilson and Stovall
Voting Nay: None

The following ordinance proposed at the regular meeting of the Board of Supervisors of Patrick County held at the Courthouse, Stuart, Virginia, on the 15th day of October, 1986, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by J. Cornelius Stovall, seconded by Ewell Harold and unanimously carried, it is hereby adopted:

ORDINANCE TO AMEND AND RE-ENACT THE PRESENT
COUNTY ORDINANCE PROHIBITING THE DRIVING OF
MOTOR VEHICLES, ETC., WHILE UNDER THE
INFLUENCE OF ALCOHOLIC BEVERAGES, ETC.

An ordinance to prohibit the driving or operation of any motor vehicle in Patrick County, Virginia, by persons while under the influence of alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature; and to prescribe the punishment therefore and to provide for the revocation or drivers license in case of conviction for the violation thereof, and in accordance with §15.1-132 of the 1950 Code of Virginia, as amended.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any motor vehicle on the highways of the said County of Patrick, Commonwealth of Virginia (i) while such person has a blood alcohol concentration of 0.10 percent or more by weight by volume as indicated by a chemical test administered in accordance with the provisions of §18.2-268 of the 1950 Code of Virginia, as amended, or (ii) while such person is under the influence of alcohol, or (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature. For purposes of this ordinance, the term "motor vehicle" shall include mopeds, while operated on the public highways of the County of Patrick in the Commonwealth of Virginia.

For purposes of effectuating the operation of this ordinance, Article 2 of Chapter 7 of Title 18.2 (§18.2-266 through 18.2-273 of the 1950 Code of Virginia, as amended, or hereafter amended) is hereby adopted by reference; provided, however, that in accordance with §15.1-132 of the 1950 Code of Virginia, as amended; all fines imposed for violation of this ordinance shall be paid to and retained by the Treasurer of Patrick County, Virginia.

This ordinance shall become effective on the 3rd day of November, 1986.

Voting Aye: Cassell, Pilson, Harold, Layman and Stovall

Voting Nay: None

(Adopted January 10, 1994)

The following ordinance proposed at the regular meeting of the Board of Supervisors of Patrick County held at the Patrick County Administration Building, on the 13th day of December, 1993, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by James E. Walker, seconded by Barnie K. Day and unanimously carried, it is hereby adopted:

ORDINANCE TO AMEND AND RE-ENACT THE PRESENT COUNTY ORDINANCE PROHIBITING THE DRIVING OF MOTOR VEHICLES, ETC., WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, ETC.

An ordinance to prohibit the driving or operation of any motor vehicle, train or engine in Patrick County, Virginia, by persons while under the influence of alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature; and to prescribe the punishment therefore and to provide for the revocation of drivers license in case of conviction for the violation thereof, and in accordance with §§15.1-132 and 46.2-1313 of the 1950 Code of Virginia, as amended.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any motor vehicle, train or engine on the highways of the said County of Patrick, Commonwealth of Virginia (i) while such person has a blood alcohol concentration of 0.10 percent or more by weight by volume as indicated by a chemical test administered in accordance with the applicable provisions of the 1950 Code of Virginia, as amended, or (ii) while such person is under the influence of alcohol, or (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature; or (iv) while such person is under is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, train or engine safely. For purposes of this ordinance, the term "motor vehicle" shall include mopeds while operated on the public highways of the County of Patrick in the Commonwealth of Virginia.

For purposes of effectuating the operation of this ordinance, Article 2 of Chapter 7 of Title 18.2 (§18.2-266 through 18.2-273 of the 1950 Code of Virginia, as amended, or hereafter amended) is hereby adopted by reference; provided, however, that in accordance with §15.1-132 of the 1950 Code of Virginia, as amended; all fines imposed for violation of this ordinance shall be paid to and retained by the Treasurer of Patrick County, Virginia.

This ordinance shall become effective on the 10th day of January, 1994.

Voting Aye: Plaster, Day, Clements, Hopkins and Walker

Voting Nay: None

SUPERVISORS ORDER BOOK NO. 16
(Adopted February 10, 1997)

The following ordinance proposed at the regular meeting of the Board of Supervisors of Patrick County held at the Patrick County Administration Building, on the 13th day of January, 1997, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by Kenneth D. Hopkins, seconded by Barry W. Shelor and carried, it is hereby adopted:

**ORDINANCE TO AMEND AND RE-ENACT THE PRESENT COUNTY
ORDINANCE PROHIBITING THE DRIVING OF MOTOR VEHICLES,
ETC., WHILE INTOXICATED, ETC.**

An ordinance to prohibit the driving or operation of any motor vehicle, train or engine in Patrick County, Virginia, by persons while under the influence of alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature; and to prescribe the punishment therefore and to provide for the revocation of drivers license in case of conviction for the violation thereof, and in accordance with Section 15.1-132 and Section 46.2-1313 of the 1950 Code of Virginia, as amended.

BE IT ORDAINED by the Board of Supervisors of Patrick County, Virginia, that it shall be unlawful for any person to drive or operate any motor vehicle, engine or train in the County of Patrick, Commonwealth of Virginia (i) while such person has a blood alcohol concentration of 0.08 percent or more by weight, by volume, or 0.08 grams or more per 210 liters of breath as indicated by a chemical test administered as provided in Article 2 of Chapter 7 of Title 18.2 of the 1950 Code of Virginia, as amended, or (ii) while such person is under the influence of alcohol or, (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, or (iv) while such person is under the combined influence of alcohol or any drug or drugs to a

degree which impairs his ability to drive or operate any motor vehicle, engine or train safely. A charge alleging a violation of this section shall support a conviction under clauses (i), (ii), (iii) or (iv). For the purposes of this section, the term "motor vehicle" includes mopeds, while operated on the public highways of the County of Patrick in the Commonwealth of Virginia.

For purposes of effecting the operation of this ordinance, Article 2 of Chapter 7 of Title 18.2 (Section 18.2-273 of the 1950 Code of Virginia, as amended, or hereafter amended) is hereby adopted by reference,; provided, however, that in accordance with Section 15.1-132 of the 1950 Code of Virginia, as amended, all fines imposed for violation of this ordinance shall be paid to and retained by the Treasurer of Patrick County, Virginia.

This ordinance shall become effective on the 10th day of February, 1997.

Voting Aye: Clements, Walker, East, Hopkins and Shelor

Voting Nay: None