# AN ORDINANCE AMENDING CHAPTER 28, "TRAFFIC AND MOTOR VEHICLES" OF THE CHRISTIANSBURG TOWN CODE TO ADD SECTION 28-23, REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO DUI AND OTHER TRAFFIC ACCIDENTS OR INCIDENTS, AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the Council for the Town of Christiansburg desires to amend Chapter 28, Traffic and Motor Vehicles, to add Section 28-23, "Reimbursement of Expenses Incurred in Responding to DUI and other Traffic Accidents or Incidents," authorizing restitution to be paid to the Town for the reasonable expenses incurred by the Town in responding to traffic accidents or incidents as authorized by section § 15.2-1716 of the Code of Virginia, 1950 (as amended); and

**WHEREAS**, the Town Council has found that the public necessity, convenience, and general welfare deem it proper to do so;

**NOW, THEREFORE,** BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA that it hereby adopts and enacts Section 28-23, "Reimbursement of Expenses Incurred in Responding to DUI and other Traffic Accidents or Incidents," of Chapter 28, Traffic and Motor Vehicles, as follows:

**Sec. 28-23. – Reimbursement of expenses incurred in responding to DUI and other traffic accidents or incidents.**

A. A person convicted of violating any of the following provisions shall at the time of sentencing or in a separate civil action be liable for restitution of reasonable expenses incurred by the town, its police department, or by any volunteer fire or rescue squad, or any combination thereof, when providing an appropriate emergency response to any accident, incident, or when issuing any arrest warrant or summons related to the following:

(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 of the Code of Virginia, as amended, or a similar town ordinance, if any, 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 the Code of Virginia as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident; and

(3) The provisions of Article 1, §§ 46.2-300, et seq., of the Code of Virginia, as amended, related to driving without a license or driving with a suspended or revoked license; and

(4) The provisions of § 46.2-894, of the Code of Virginia, as amended, 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 $1000.00 in the aggregate for a particular accident, arrest, or incident occurring in the town. In determining "reasonable expenses", the town may bill a flat fee of $350.00 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, firefighting, rescue, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the town for responding law enforcement, firefighting, rescue, and emergency medical services. The provisions of this section shall not limit any remedy available to the town or 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.

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This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held November __, 2012, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

| | Aye | Nay | Abstain | Absent |
|---|---|---|---|---|
| Mayor Richard G. Ballengee* | | | | |
| D. Michael Barber | | | | |
| Cord Hall | | | | |
| Steve Huppert | | | | |
| Henry Showalter | | | | |
| Bradford J. Stipes | | | | |
| James W. “Jim” Vanhoozier | | | | |

*Votes only in the event of a tie vote by Council.

SEAL:

_____ _____

Michele M. Stipes, Town Clerk Richard G. Ballengee, Mayor