

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE February 19, 2008

TO Board of Supervisors

FROM Joseph L. Howard, Jr
County Attorney



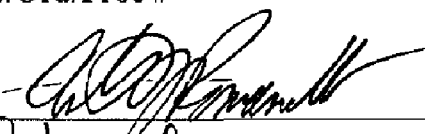
ISSUE Authorize a Public Hearing to Amend the County Code Regarding Driving Under the Influence

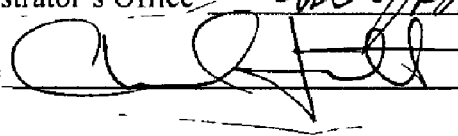
RECOMMENDATION Approval

BUDGET IMPACT N/A

ATTACHMENTS (3)

- [1] Background Report [3] Reso/Ord/Proc # R08-84
- [2] Proposed Ordinance O08-12 [] Reso/Ord/Proc #
- [] [] Reso/Ord/Proc #

REVIEW [X] County Administrator's Office 

[X] Sheriff's Office 

[] Budget _____

- [X] **Consent Agenda** [] **Other Business** [] **Public Hearing**
- [] **Discussion Item** [] **Presentation** [] **Unfinished Business**
- [] **New Business**

PRESENTATION BY N/A

ELECTION DISTRICTS N/A

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BACKGROUND REPORT

The 2005 Session of the General Assembly repealed Section 1-13 39 2 of the Virginia State Code and recodified it at Section 1-220. The Sheriff has requested that the Board adopt an amendment to the County Code pursuant to said recodification.

In summary, staff recommends approval of proposed Resolution R08-84, which would authorize a public hearing on March 18, 2008, to revise and renumber Section 15-146 of the Stafford County Code. This section is being renumbered due to a procedural revision with Municipal Code.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 18th day of March, 2008

MEMBERS

George H. Schwartz, Chairman
M. S. "Joe" Brito, Vice Chairman
Harry E. Crisp II
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE

On motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD
COUNTY CODE, SECTION 15-146, ENTITLED "ADOPTION OF
STATE LAW AS TO DRIVING UNDER THE INFLUENCE"

WHEREAS, the General Assembly, in its 2005 Session, repealed Section 1-13 39 2 of the Virginia State Code and recodified it as Section 1-220, and

WHEREAS, the Sheriff has requested that the County Code be amended to reflect these changes, and

WHEREAS, the Board desires to amend and reenact County Code Section 15-146, entitled "Adoption of state law as to driving under the influence", to reflect this change, and

WHEREAS, the Board has conducted a public hearing and carefully considered the recommendations of staff and the testimony at the public hearing, and

WHEREAS, the Board finds that public necessity, convenience, or general welfare requires adoption of such an ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of March, 2008, that the Stafford County Code be and it hereby is amended and reordained by amending and renumbering Section 15-146, as follows, all other portions remaining unchanged

Sec ~~15-146~~136 Adoption of state law as to driving under the influence

Pursuant to the authority of sections 46-2-1313 and ~~4-13-39-2~~ 1-220 of the Code of Virginia (1950), as amended, all the provisions contained in article 9 of chapter 11 of title 16-1 and article 2 of chapter 7 of title 18-2 of the Code of Virginia, in force on the date of the adoption of this Code and any and all future amendments made to the aforesaid provisions are hereby adopted and incorporated in this section by reference and made applicable within the county

AJR JLHjr EGL ce

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 19th day of February, 2008

MEMBERS

George H. Schwartz, Chairman
M. S. "Joe" Brito, Vice Chairman
Harry E. Crisp II
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE

On motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-146, ENTITLED "ADOPTION OF STATE LAW AS TO DRIVING UNDER THE INFLUENCE"

WHEREAS, the General Assembly, in its 2005 Session, repealed Section 1-13 39 2 of the Virginia State Code and recodified it as Section 1-220, and

WHEREAS, the Board desires to amend and reenact County Code Section 15-146, entitled "Adoption of State law as to driving under the influence", to reflect this change, and

WHEREAS, the Board desires to renumber this section due to a procedural revision with Municipal Code, and

WHEREAS, the Board desires to consider public comments concerning the proposed changes,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending and renumbering Stafford County Code, Section 15-146, entitled "Adoption of State law as to driving under the influence"

AJR JHjr EGL cc