



COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS

1080 Coverstone Dr. Winchester, VA 22602

540-665-6356

LeeAnna Pyles
Director

FREDERICK COUNTY
PUBLIC SAFETY COMMITTEE
AGENDA

August 20, 2020

8:30 A.M.

Training Room – first floor, lobby side

Public Safety Building

1080 Coverstone Dr., Winchester, Virginia

Call to Order:

Agenda Items:

- 1. Lake Frederick Subdivision proposed road ordinance (see attached) – Rod Williams**
- 2. Status update on the Community and COVID-19 – Sheriff Millholland, Chief Linaburg, Director Pyles.**
- 3. Brief update regarding the radio RFP's – Director Pyles**

New Business:

Next Meeting Date: Thursday October 15, 2020



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail: rwillia@fcva.us

MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 22, 2020

RE: Lake Frederick (Shenandoah) Subdivision – Designation of private roads and streets as highways for law enforcement purposes

The County has received a request for the private roads and streets in the Lake Frederick (Shenandoah) Subdivision to be designated as highways for law enforcement purposes. The significance of this designation, if approved, is that, at present, because the roads are private, law enforcement officers do not have authority to issue summonses for routine traffic offenses (such as for speeding, stop signs, and the like) on those roads.¹ Virginia Code § 46.2-1307 (copy attached) provides, however, that a locality may designate the private roads within any residential development containing 100 or more lots or residential dwelling units, as highways for law enforcement purposes. The Lake Frederick (Shenandoah) Subdivision contains 100 or more residential dwelling units.

Attached is a proposed ordinance that would designate the private roads and streets in the Lake Frederick (Shenandoah) Subdivision as highways for law enforcement purposes, consistent with the authorization under Virginia Code § 46.2-1307. The language in proposed County Code § 155-18.1 is identical to that in County Code §§ 158-16 and 158-18, relative to the Shawneeland and Lake Holiday Subdivisions, respectively. Committee action on the proposed ordinance is requested. If the Committee is favorably disposed to the proposed ordinance, referral to the Code & Ordinance Committee would be appropriate.

Attachments

¹ Serious traffic offenses, such as reckless driving and driving under the influence, are misdemeanors under Virginia law and, as a result, these offenses may be prosecuted irrespective of whether the conduct takes place on public roads or on private property. As long as an individual is in the act of operating a motor vehicle and his conduct otherwise meets the elements of the offense, the offense may be charged.

§ 46.2-1307. Designation of private roads as highways for law-enforcement purposes

The governing body of any county, city, or town may adopt ordinances designating the private roads, within any residential development containing 100 or more lots or residential dwelling units, as highways for law-enforcement purposes. Such ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commissioner of Highways, and, for law-enforcement purposes, such certification shall have the same effect as if certified by the Commissioner of Highways.

1979, c. 100, § 46.1-181.5; 1987, c. 152; 1989, c. 727; 2007, cc. [74](#), [187](#), [310](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



ORDINANCE
_____, 2020

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 158-18.1 of Article IV (Law Enforcement of Private Roads and Streets) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, to read as follows and to take effect immediately:

CHAPTER 158 VEHICLES AND TRAFFIC

Article IV Law Enforcement of Private Roads and Streets

§158-18.1 General restrictions

- A. The private roads and streets in the subdivision known as "Lake Frederick", also known as "Shenandoah", shall be designated as highways for law enforcement purposes only.
- B. Certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commonwealth Transportation Commissioner shall be permitted, and, for law enforcement purposes, such certification shall have the same effect as if certified by the Commonwealth Transportation Commissioner.

Enacted this _____ day of _____, 2020.

Charles S. DeHaven, Jr., Chairman	_____	Shawn L. Graber	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Gene E. Fisher	_____
Judith McCann-Slaughter	_____		

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia