

ORDINANCE NO. 1519

AN ORDINANCE to amend Article III, Division 4 of Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new section numbered 22-93.2; which Chapter 22 relates to MOTOR VEHICLES AND TRAFFIC, which Division 4 relates to DRIVING AUTOMOBILE, ENGINE, ETC., WHILE UNDER INFLUENCE OF INTOXICANTS OR NARCOTICS, which Article III relates to OPERATION OF VEHICLES, and which new section numbered 22-93.2 relates to DRIVING AUTOMOBILE, ENGINE, ETC., WHILE ABILITY TO DRIVE IS IMPAIRED BY ALCOHOL, AND PROVIDES PENALTIES FOR VIOLATIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article III, Division 4 of Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 22-93.2 to read as follows:

Sec. 22-93.2. Driving automobile, engine, etc., while ability to drive is impaired by alcohol.

It shall be unlawful for any person to drive or operate any automobile or other motor vehicle, car, truck, engine or train while such person's ability to drive or operate such vehicle is impaired by the presence of alcohol in his blood. A person's ability to drive or operate such a vehicle shall be deemed to be impaired by the presence of alcohol in his blood within the meaning of this section when such person has so indulged in alcoholic intoxicants as to lack the clearness of intellect and control of himself which he would otherwise possess.

In every prosecution under section 22-93, the offense with which the accused is charged shall be deemed to include the offense punishable under this section; and whenever in any such prosecution it appears that the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of section 22-93.1 is as much as 0.10 but less than 0.15 percent by weight it shall be presumed that the ability of the accused was impaired within the meaning of this section. No person shall be arrested, prosecuted or convicted for violation of this section except as a lesser included offense of a prosecution for violation of section 22-93.

Every person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided in section 13.1 of this Code provided, that in addition to such punishment, upon every such first conviction the judge shall suspend the right of the accused to operate any motor vehicle upon the highways of this City for a period of six months, and upon any second or subsequent such conviction, within a period of five years such suspension shall be for a period of twelve months.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: November 26, 1968