

ORDINANCE NO. 3764

AN ORDINANCE to add new Section 10-3-266.1 (PERSONS UNDER AGE TWENTY-ONE DRIVING AFTER ILLEGALLY CONSUMING ALCOHOL; PENALTY), Section 10-3-267 (PRELIMINARY ANALYSIS OF BREATH TO DETERMINE ALCOHOLIC CONTENT OF BLOOD), Section 10-3-268.1 (CHEMICAL TESTING TO DETERMINE ALCOHOL OR DRUG CONTENT OF BLOOD; DEFINITIONS), Section 10-3-268.2 (IMPLIED CONSENT TO POST-ARREST CHEMICAL TEST TO DETERMINE DRUG OR ALCOHOL CONTENT OF BLOOD), Section 10-3-268.3 (REFUSAL OF TESTS; PROCEDURES), Section 10-3-268.4 (APPEAL AND TRIAL; SANCTIONS FOR REFUSAL), Section 10-3-271 (FORFEITURE OF DRIVER'S LICENSE FOR DRIVING WHILE INTOXICATED), and Section 10-3-301.1 (ADMINISTRATIVE IMPOUNDMENT OF MOTOR VEHICLE FOR CERTAIN DRIVING WHILE LICENSE SUSPENDED OR REVOKED OFFENSES; JUDICIAL IMPOUNDMENT UPON CONVICTION; PENALTY FOR PERMITTING VIOLATION WITH ONE'S VEHICLE), to Article B, (RECKLESS DRIVING, SPEEDING, ETC.), Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-266.1 to read as follows:

Sec. 10-3-266.1 Persons under age twenty-one driving after illegally consuming alcohol; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266.1 of the Virginia Code, as amended, which relates to persons under the age of twenty-one driving after illegally consuming alcohol, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 2. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-267 to read as follows:

Sec. 10-3-267 Preliminary analysis of breath to determine alcoholic content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-267 of the Virginia Code, as amended, which relates to the ability of a person who is suspected of a violation of section 18.2-266 or section 18.2-266.1, to have his breath analyzed to determine the probable alcoholic content of his blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 3. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-268.1 to read as follows:

Sec. 10-3-268.1 Chemical testing to determine alcohol or drug content of blood; definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.1 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with chemical testing of motor vehicle operators to determine the alcohol or drug content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 4. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-268.2 to read as follows:

Sec. 10-3-268.2 Implied consent to post-arrest chemical test to determine drug or alcohol content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.2 of the Virginia Code, as amended, which relates to the implied consent of motor vehicle operators to submit to post-arrest chemical testing to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 5. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by adding a new Section 10-3-268.3 to read as follows:

Sec. 10-3-268.3 Refusal of tests; procedures.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.3 of the Virginia Code, as amended, which relates to the refusal of motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 6. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by adding a new Section 10-3-268.4 to read as follows:

Sec. 10-3-268.4 Appeal and trial; sanctions for refusal.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.4 of the Virginia Code, as amended, which relates to the procedure for appeal and trial of the warrant or summons issued for a refusal to submit to post-arrest chemical tests and the sanctions for such refusal, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 7. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-271 to read as follows:

Sec. 10-3-271 Forfeiture of driver's license for driving while intoxicated.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271 of the Virginia Code, as amended, which relates to the forfeiture of a driver's license for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 8. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-301.1 to read as follows:

Sec. 10-3-301.1 Administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting violation with one's vehicle.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-301.1 of the Virginia Code, as amended, which relates to the administrative and judicial impoundment of motor vehicles for certain offenses, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 9. That this ordinance shall become effective January 1, 1995.

PATRICIA S. TICER
Mayor

Final Passage: December 17, 1994

