

ORDINANCE NO. 3909

AN ORDINANCE to amend and reordain subsection (d) of section 10-3-2 of Article A (GENERAL PROVISIONS), and to amend Article B (RECKLESS DRIVING, SPEEDING, ETC.), of Chapter 3 (OPERATION OF MOTOR VEHICLES), all of 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 subsection (d) of Section 10-3-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

(d) Any person operating a vehicle in a commuter lane in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

(1) for a first offense, by a fine of \$50;

(2) for a second offense, by a fine of \$100;

(3) for a third offense within a period of two years of the second offense, by a fine of \$250; and

(4) for a fourth or subsequent offense within a period of three years of the second offense, by a fine of \$500.

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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.5 Qualifications and liability of persons authorized to take blood sample; procedure for taking samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.5 of the Virginia Code, as amended, which relates to the qualifications and liability of persons authorized to take blood samples for the purpose of determining the blood's alcohol and/or drug content, and the procedures to be followed in taking such blood samples, 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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.6 Transmission of blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.6 of the Virginia Code, as amended, which relates to the procedures to be followed in the preservation and transmission of blood samples for analysis of the blood's alcohol and/or drug content, 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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.7 Transmission of blood test results; use as evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.7 of the Virginia Code, as amended, which relates to transmission of blood test results and the admissibility of blood test results as evidence in court, 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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.8 Fees relating to blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.8 of the Virginia Code, as amended, which relates to the fees that may be charged for withdrawal and analysis of blood samples, 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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.9 Assurance of breath test validity; use of test results as evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.9 of the Virginia Code, as amended, which relates to standards for the chemical analysis of a person's breath and the use of breath test results as evidence in court, 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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.10 Evidence of violation.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.10 of the Virginia Code, as amended, which relates to the admissibility of evidence at trial for violations of city code sections 10-3-266 or 10-3-266.1 and of comparable provisions of the Virginia Code, 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 is hereby, amended by adding a new section to read as follows:

Sec. 10-3-268.11 Substantial compliance.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.11 of the Virginia Code, as amended, which relates to compliance with the steps set forth in city code sections 10-3-268.2 through 10-3-268.9 and comparable Virginia Code sections relating to the taking, handling, identifying and disposing of blood or breath samples, is

hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 9. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-269 Presumptions from alcohol content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-269 of the Virginia Code, as amended, which relates to presumptions arising from the alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

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

Sec. 10-3-270.1 Ignition interlock systems; penalty.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.1 of the Virginia Code, as amended, which relates to ignition interlock systems and the penalty for tampering with or circumventing the operation of such a system, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 11. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-270.2 Ignition interlock system; certification by Commission on VASAP; regulations; sale or lease; monitoring use; reports.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270.2 of the Virginia Code, as amended, which relates to (i) certification of ignition interlock systems, (ii) regulation of the installation, maintenance and certification of such systems, and (iii) authorization to sell or lease such systems, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 12. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-272 Driving after forfeiture of license.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-272 of the Virginia Code, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 13. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.4 Definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.4 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with statutes affecting holders of a commercial driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein, for use in conjunction with the following sections in this chapter which address the holders of commercial drivers licenses.

Section 14. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.24 Driving a commercial motor vehicle while intoxicated, etc.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-272 of the Virginia Code, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 15. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:1 Use of chemical tests to determine alcohol or drug content of blood of commercial driver; definitions.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:1 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with chemical testing of commercial motor vehicle operators to determine the alcohol and/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 16. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:2 Implied consent to post arrest chemical test to determine alcohol or drug content of blood of commercial driver.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:2 of the Virginia Code, as amended, which relates to the implied consent of commercial 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 17. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:3 Refusal of tests; issuance of out-of-service orders; disqualification.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:3 of the Virginia Code, as amended, which relates to the refusal of commercial motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood or breath, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 18. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:4 Appeal and trial; sanctions for refusal; procedures.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:4 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 19. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:5 Qualifications and liability of persons authorized to take blood samples; procedure for taking samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:5 of the Virginia Code, as amended, which relates to the qualifications and liability of persons authorized to take blood samples for the purpose of determining the blood's alcohol and/or drug content, and the procedures to be followed in taking such blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 20. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:6 Transmission of blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:6 of the Virginia Code, as amended, which relates to the procedures to be followed in the preservation and transmission of blood samples for analysis of the blood's alcohol and/or drug content, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 21. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:7 Transmission of results.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:7 of the Virginia Code, as amended, which relates to transmission of blood test results and the admissibility of blood test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 22. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:8 Fees relating to blood samples.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:8 of the Virginia Code, as amended, which relates to the fees that may be charged for withdrawal and analysis of blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 23. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:9 Assurance of breath test validity; use of test results as evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:9 of the Virginia Code, as amended, which relates to standards for the chemical analysis of a person's breath and the use of breath test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 24. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:10 Evidence.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:10 of the Virginia Code, as amended, which relates to the admissibility of evidence at trial for violation of city code section 10-3-341.24 and comparable Virginia Code sections, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 25. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.26:11 Substantial compliance.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.26:11 of the Virginia Code, as amended, which relates to compliance with the steps set forth in city code sections 10-3-341.26:2 through 10-3-341.26:9 relating to the taking, handling, identifying and disposing of blood or breath samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 26. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.27 Presumptions from alcohol content of blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.27 of the Virginia Code, as amended, which relates to presumptions arising from the alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 27. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.28 Penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.28 of the Virginia Code, as amended, which relates to the penalty for operating a commercial motor vehicle while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 28. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.29 Penalty for driving commercial motor vehicle with blood alcohol content equal to or greater than 0.04.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.29 of the Virginia Code, as amended, which relates to the penalty for operating a commercial motor vehicle with a blood alcohol content equal to or greater than 0.04, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 29. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section to read as follows:

Sec. 10-3-341.31 Driving commercial motor vehicle with any alcohol in blood.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 46.2-341.31 of the Virginia Code, as amended, which relates to the penalty for operating a commercial motor vehicle with any alcohol in the operator's blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

Section 30. That any amendments enacted by the Virginia General Assembly, between January 1, 1989, and the effective date of this ordinance, to the sections and provisions of the Virginia Code which are incorporated by reference in chapter 3 of title 10 of The City Code of the City of Alexandria, 1981, as amended, be, and the same are hereby, adopted and incorporated into the city code.

Section 31. That chapter 3 of title 10 of The Code of the City of Alexandria, 1981, as amended, as said chapter 3 has been amended by this ordinance, be, and the same is hereby, reordained.

Section 32. That any amendments enacted by the Virginia General Assembly after the effective date of this ordinance to the sections and provisions of the Virginia Code which are incorporated by reference in chapter 3 of title 10 of The City Code of the City of Alexandria, 1981, as amended, shall, upon their effective date, be automatically adopted and incorporated into the city code, unless a contrary intent is expressed by the city council.

Section 33. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

ATTEST:

Beverly I. Jett, CMC, City Clerk

Final Passage: January 25, 1997

