

ORDINANCE PROHIBITING PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OF DRUGS FROM DRIVING

(a) It shall be unlawful and punishable as provided in subsection (g) for any person who is under the influence of intoxicating liquor to drive or operate any vehicle within the town of Hampton, Georgia.

(b) Upon the trial of any person accused of violating subsection (a) of this section, evidence as to the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by a chemical analysis of the defendant's blood or breath shall be admissible as competent evidence bearing upon the question of whether the person was under the influence of intoxicating liquor and shall give rise to the following presumptions:

- (1) If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
- (2) If there was at that time in excess of 0.05 per cent but less than 0.10 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor.

ORIGINATOR PROHIBITED PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OF OR FROM BEING INFLUENCED

(a) It shall be unlawful and punishable as provided in sub-section (a) for any person who is under the influence of intoxicating liquor to drive or operate any vehicle within the town of Hopedale, Vermont.

(b) Upon the trial of any person accused of violating sub-section (a) of this section, evidence as to the amount of alcohol in the defendant's blood at the time of the alleged offense as shown by a chemical analysis of the defendant's blood or breath shall be admissible as competent evidence bearing upon the question of whether the person was under the influence of intoxicating liquor and shall give rise to the following presumptions:

(1) If there was at that time 0.08 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(2) If there was at that time in excess of 0.08 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor.

- (3) If there was at the time 0.10 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.
- (4) Per cent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 cubic centimeters of blood.
- (5) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.
- (6) The result of any such test shall not be admissible in evidence against the defendant, and no record thereof shall be preserved, and no notation of the result of the test shall be made on the driver's license of the person tested, if the test does not indicate that there was at the time of the test 0.10 per cent or more by weight of alcohol in the blood of the person tested.

(c) Chemical analysis of the defendant's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the State Crime Laboratory and by an individual possessing a valid permit issued by the State Crime Laboratory for this purpose. The State Crime Laboratory is authorized to approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct such analyses and to issue permits which shall be subject to termination or revocation at the discretion of the State Crime Laboratory.

(d) Only a licensed physician, registered nurse, medical examiner, or ASCP certified or qualified medical or laboratory technician or aide may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

(e) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

(f) It is unlawful and punishable as provided in subsection(g) for any person who is under the influence of any narcotic drug, or who is under the influence of any other drug, to a degree which renders him incapable of safely driving or operating a vehicle, to drive or operate a vehicle within the Town of Hampton, Georgia. The fact that any person charged with a violation of this subsection is or has been entitled to use such drugs under the laws of this State shall not constitute a defense against any charge of violating this subsection: Provided, however, it shall be the duty of the arresting officer, if it shall become necessary to incarcerate a person suspected of violating the provisions of this subsection, to summon, as soon as possible, a licensed physician to examine the party so apprehended. The expense of such examination shall be borne by the Town of Hampton having jurisdiction of said alleged offense.

(g) Every person who shall be convicted of the above ordinance

(d) Only a licensed physician, registered nurse, medical examiner, or ASEP certified or qualified medical or laboratory technician or aide may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

(e) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

(f) It is unlawful and punishable as provided in subsection (a) for any person who is under the influence of any narcotic drug, or who is under the influence of any other drug, to a degree which renders him incapable of safely driving or operating a vehicle, to drive or operate a vehicle within the town of Marietta, Georgia. The fact that any person charged with a violation of this subsection is or has been entitled to use such drugs under the laws of this state shall not constitute a defense against any charge of violating this subsection. Provided, however, it shall be the duty of the arresting officer, if it shall become necessary to incarcerate a person suspected of violating the provisions of this subsection, to summon, as soon as possible, a licensed physician to examine the party so apprehended. The expense of such examination shall be borne by the town of Marietta having jurisdiction of said alleged offense.

(g) Every person who shall be convicted of the above ordinance

Shall be punished by a fine not to exceed \$300.00 or by confinement in the town jail, or other jail, or such other places as the Town of Hampton may provide for maintenance of town prisoners for a total term not to exceed 60 days, or by suspension of their driver's license for a period not to exceed 60 days, either a fine or confinement or suspension of driver's license, or all three.

Approved as Ordinance July 17, 1973.

SIGNED Grover Walls Jr
Mayor

Tommy N. Smith
Clerk

*A true copy. Month 4, 1975
Cory Ball*