

BILL NO. **2001-90**

SPONSORED BY COUNCILMEN Weber, Vogel, Vincent, Viessman, Olsen, Nelson, Landwehr, Jackson, Blaney, Angle

ORDINANCE NO. **13270**

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF JEFFERSON PERTAINING TO DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF JEFFERSON, MISSOURI AS FOLLOWS:

Section 1. Article IV, (Vehicle Operation Generally), Section 19-99 (Driving with Excessive Blood Alcohol Content), subparagraph (A) the Code of the City of Jefferson, Missouri, shall be amended to read as follows:

Sec. 19-99. Driving with excessive blood alcohol content.

A. No person shall drive a motor vehicle when the person has ~~ten hundredths~~ **eight-hundredths** of one ~~(0.10)~~ **(0.08)** percent or more by weight of alcohol in his blood. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic contents of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041 of the Revised Statutes of Missouri.

State law reference – Similar provisions, RSMo. 577.012.

B. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction, shall be punished as follows:

1. For the first offense, by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), or by imprisonment in jail for not more than ninety (90) days, or by both such fine and imprisonment;
2. For the second offense within a three-year period, by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), and by imprisonment for a term of not less than five (5) days and not more than ninety (90) days, or by both such fine and imprisonment;
3. For the third and subsequent offenses within a three-year period, by a fine of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), and by imprisonment in jail for a term of not less than fifteen (15) days and not more than ninety (90) days, or by both such fine and imprisonment.

C. Evidence of prior convictions shall be heard and determined by the trial court, out of the hearing of the jury prior to the submission of the case to the jury, and the court shall enter its findings thereon.

D. Any person convicted of an intoxication-related offense shall have a judgment entered against that person in favor of the Spinal Cord Injury Fund in the amount of twenty-five dollars (\$25).

1. Judgments collected pursuant to this section shall be paid into the state treasury to the credit of the Spinal Cord Injury Fund created in RSMo. 304.027. Any court clerk receiving funds pursuant to judgments entered pursuant to this section shall collect and disburse such amounts as provided in sections 488.010 to 488.020, RSMo.

2. As used in this section, an "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of drugs, or assault while intoxicated pursuant to Section 18-15. State law reference – Similar provisions, RSMo. 304.027, 577.023.

Section 2. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed 9/17/2001 Approved

Presiding Officer Mayor