

RECORD OF ORDINANCES

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 2806-A

Ordinance No. 45-71

Passed 21st day of June 19 71

ORDINANCE NO. 45-71

CITY OF CENTERVILLE, OHIO

AN ORDINANCE AMENDING SECTIONS 22.22 AND 26.64 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CENTERVILLE, OHIO AND REPEALING ORDINANCE NUMBER 5-1961 WHICH ENACTED SECTION 22.23 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CENTERVILLE, OHIO

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section I. Section 22.22 of the Code of Ordinances of the Village of Centerville, Ohio is hereby amended as follows:

Section 22.22 [Driving while intoxicated] Driving or Physical Control While under the Influence. [No person who is under the influence of intoxicating liquor, narcotic drugs or opiates shall operate any vehicle. (RCs 4511.190)]

(a) No person who is under the influence of alcohol, narcotic drugs or opiates shall operate any vehicle within the Municipality (RC 4511.19)

(b) No person who is under the influence of alcohol, narcotic drugs or opiates shall be in actual physical control of any vehicle within the Municipality.

(c) In any criminal prosecution for a violation of this section relating to driving, the Mayor's Court or Municipal Court may admit evidence on the concentration of alcohol in the defendant's blood at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of such alleged violation. When a person submits to a blood test at the request of a police officer under Ohio R. C. 4511.191, only a physician or a registered nurse shall withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath or urine specimens. Such bodily substance shall be analyzed in accordance with methods approved by the State Director of Health by an individual possessing a valid permit issued by the State Director of Health pursuant to Ohio R. C. 3701.143. Such evidence gives rise to the following:

(1) If there was at that time a concentration of less than fifteen-hundredths of one percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(2) If there was at that time a concentration of fifteen-hundredths of one percent or more by weight of alcohol in the defendant's blood it shall be presumed that the defendant was under the influence of alcohol.

Upon the request of the person who was tested, the results of such tests shall be made available to him, his attorney or agent, immediately upon the completion of the test analysis.

The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a police officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a police officer. (RC 4511.19)

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Section 2. Section 26.64 of the Code of Ordinances of the Village of Centerville is hereby amended as follows:

Section 26.64 Penalties. It shall be a misdemeanor for any person to violate any of the provisions of the Traffic Code, unless such violation is by law of this state declared to be a felony.

Whoever violates Section 22.22 (a) shall, in addition to license suspension or revocation be fined not more than \$500.00 and imprisoned in the City jail, county jail or workhouse not less than three(3) days, nor more than six (6) months and the court shall not suspend the first three days of any sentence provided for herein.

Whoever violates Section 22.22 (b) shall be fined not more than \$500.00.

Any violation of Sections 26.44, 26.46 and 26.70 of the Traffic Code shall be punishable by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.

Any violation of sections 20.92, 20.94, 20.96, 20.100 and 26.47 shall be punishable by a fine of not more than two hundred dollars.

Except as written pleas of guilty are accepted as provided by Section 26.66, every person convicted or found guilty of a violation of any of the provisions of the Traffic Code for which no other penalty is provided and for a second offense within one year thereafter, not less than ten dollars for more than one hundred dollars, or imprisoned in the county jail or workhouse not more than ten days, or both; and for [a third or] each subsequent, twenty-five dollars nor more than two hundred dollars of imprisoned in the county jail or workhouse not more than thirty days, or both, provided, further, that when any person is found guilty of a first offense for a violation of, vehicle faster than thirty-five miles an hour in a business district, or while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, the court may, in addition to the penalty herein provided, sentence each offender to the county jail or workhouse for not more than five days. (RC s 4511.99).

shall, for the first offense thereof, be fined not more than fifty dollars within one year after the first offense shall be fined not less than

Section 3. Ordinance 5-1961 adding Sec. 22.23 of the Code of Ordinances of the Village of Centerville is hereby repealed in full:

[Sec. 22.23. Driving While Under the Influence of Alcohol.

No person who is under the influence of alcohol in any form whatsoever narcotic drugs or opiates shall operate any vehicle upon the streets or alleys of the Village of Centerville.

Section 24.2 of the Traffic Code upon a finding that he operated a motor

Whoever violates the provisions of this section shall be fined not more than Five Hundred (\$500.00) Dollars.]

Section 4. This ordinance shall become effective on the earliest date allowed by law.

Passed this 21st day of June, 1971.

/s/ Paul C. Hoy
MAYOR, City of Centerville, Ohio

ATTEST:

/s/ Marilyn McLaughlin
Clerk of the Council of the City of Centerville, Ohio

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Certificate

The undersigned, Clerk of the Council of the City of Centerville, Ohio hereby certifies that the foregoing is a true and correct copy of an ordinance passed by the Council of the City of Centerville, Ohio, on the 21st day of June, 1971.

/s/ Marilyn McLaughlin
CLERK

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney