

ORDINANCE NO. 33 -71

By: David H. Malson

To amend Ordinance No. 19-69, Section 2, Definition of Terms, Driving or in Physical Control - Degree of Intoxication.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the paragraph defining Driving or in Physical Control - Degree of Intoxication in Section 2 of Ordinance No. 19-69 be amended to read as follows:

DRIVING OR IN PHYSICAL CONTROL - DEGREE OF INTOXICATION. If there is five hundredths of one per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant is not under the influence of intoxicating liquor or alcohol; if there is in excess of five hundredths of one per cent but less than ten hundredths of one per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant is or is not under the influence of intoxicating liquor or alcohol, but such fact shall be considered with other competent evidence in determining the guilt or innocence of the defendant; and if there is ten hundredths of one per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant is under the influence of alcohol. Evidence of chemical analysis of defendant's blood, urine, breath or other bodily substance may be admitted for the purpose of showing the amount of alcohol in defendant's blood.

Section 2. That the existing paragraph defining Driving or in Physical Control - Degree of Intoxication in Section 2 of Ordinance No. 19-69 is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 9th, 1971

J. Rath Leabo
President of Council

Attest:

C. W. Kistner
Clerk of Council

Approved: Nov 10th, 1971

R. D. McAlone
MAYOR

Passed
11-16-71