

ORDINANCE NO. 738

AN ORDINANCE

AMENDING SECTION 10-12-2 OF THE CITY CODE OF THE CITY OF PAYETTE, IDAHO, RELATING TO THE OPERATION OF MOTOR VEHICLES BY PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS, AND PROVIDING AN AMENDED STANDARD FOR THE DETERMINATION OF INTOXICATION BASED UPON GRAMS OF ALCOHOL PER ONE HUNDRED CUBIC CENTIMETERS OF BLOOD.

Be It Ordained by the Mayor and Council of the City of Payette, State of Idaho:

That Section 10-12-2 of the City Code of the City of Payette, Idaho, be, and the same is hereby, amended to read as follows:

10-12-2: PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS:

(A) It shall be unlawful for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this Municipality.

(B) In any criminal prosecution for a violation of paragraph (A) of this Section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

1. If there was at that time less than 0.05 0.10 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~~ such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, 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 in excess of 0.05 per cent but less than 0.15 per cent 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 intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;~~
3. 2. If there was at the time more than 0.15 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.
3. Per cent by weight of alcohol in blood shall be based upon grams of alcohol per 100 cubic centimeters of blood;
4. The foregoing provisions of paragraph (B) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(C) It shall be unlawful for any person who is an habitual user of, or 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 a vehicle ~~within this municipality~~ to drive a vehicle. The fact that any person charged with a violation of this paragraph 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