

ORDINANCE NO. 66

MOTOR VEHICLES AND TRAFFIC
CODE AMENDMENT

AN ORDINANCE TO AMEND SECTION 31, ARTICLE II, CHAPTER 11,
OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY
COUNTY, VIRGINIA, PURSUANT TO SECTION 57, ARTICLE 6, CHAPTER
2, TITLE 18.1, AND SECTION 504, ARTICLE 1, CHAPTER 12, AND
SECTION 136, ARTICLE 1, CHAPTER 3, TITLE 15.1, CODE OF
VIRGINIA OF 1950, AS AMENDED, AS FOLLOWS:

SECTION 1

CODE SECTION 11-31 AMENDED

1-1 Section 31, Article II, Chapter 11, of the Code of the County of James City, Virginia, is amended and readopted as follows:

Sec. 11-31. Same--Presumptions from alcoholic content of blood.

In any prosecution for a violation of Section 11-28, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of a sample of the accused's blood or breath to determine the alcoholic content of his blood in accordance with the provisions of Section 11-30 shall give rise to the following presumptions:

- (a) If there was at that time 0.05 per cent or less by weight by volume of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants.
- (b) If there was at that time in excess of 0.05 per cent but less than 0.10 per cent by weight by volume of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused.

(c) If there was at that time 0.10 per cent or more by weight by volume of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

SECTION 2
EFFECTIVE DATE

2-1 The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter, save those provisions which may, from time to time, be amended or repealed.

Adopted by the Board of Supervisors of James City County
June 11, 1973, as an emergency ordinance.

Adopted by the Board of Supervisors of James City County
July 9, 1973.