

ORDINANCE NO. 495

AN ORDINANCE AMENDING CHAPTER 9.52  
OF THE TOWN OF MILLS MUNICIPAL CODE PERTAINING TO  
DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES  
IN THE TOWN OF MILLS, WYOMING

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

CHAPTER 9.52.

DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES

Chapter 9.52 of the Town of Mills, Wyoming, containing certain sections pertaining to Driving Under Influence of Alcohol or Controlled Substances is hereby amended to provide as follows:

Section 9.52.010. Driving while under the influence prohibited.

No person shall drive or have actual physical control of any vehicle within the town if the person has an alcohol concentration of ~~ten one-hundredths of one percent (0.10%)~~ **eight one-hundredths of one percent (0.08%)** or more, or to a degree which renders him incapable of safely driving:

- A. Is under the influence of alcohol;
- B. Is under the influence of a controlled substance; or
- C. Is under the influence of a combination of any of the elements named in subparagraphs A and B of this paragraph. (Ord. 401 §1, 1992).

Section 9.52.030. Amount of alcohol or drugs in blood - - Legal presumptions.

Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of any motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substances shall give rise to the following presumptions:

- (a) If there was at the time five one-hundredths of one percent or less, by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor;
- (b) If there was at the time in excess of five one-hundredths of one percent, but less than ~~ten~~ **eight** one-hundredths of one percent, by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor to a degree which renders him or her incapable of safely driving a motor vehicle;
- ~~(c) If there was at the time ten one-hundredths of one percent, or more, by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor to a degree which renders him or her incapable of safely driving a motor vehicle;~~
- ~~(d) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood;~~

(e) (c) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of intoxicating liquor, nor shall the foregoing provisions require the introduction of evidence bearing on the blood alcohol concentration of an individual to establish proof that an individual has violated the provisions of this chapter. (Ord. 401 §3, 1992).

This ordinance shall be in full force and effect from and after passage on three readings (and publication).

PASSED on 1st reading the 3 day of July, 2002.

PASSED on 2nd reading the 7 day of August, 2002.

PASSED, APPROVED, AND ADOPTED on the 3rd and final reading on the 4 day of September, 2002.

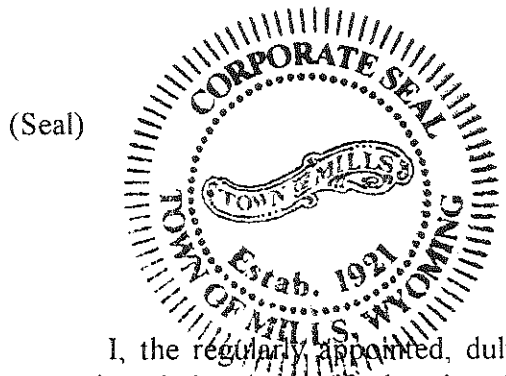
TOWN OF MILLS, WYOMING

By: Robert Goff  
Robert Goff, Mayor

ATTEST:

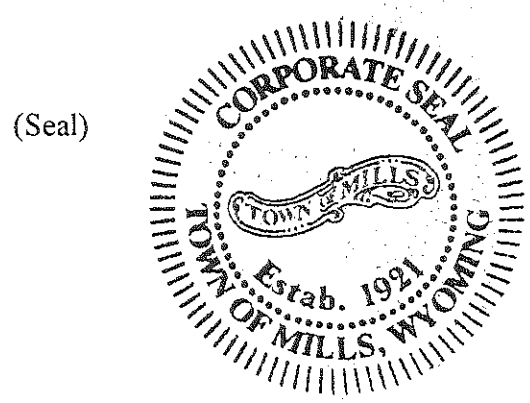
Raeann Weber  
Raeann Weber  
Town Clerk

I, Raeann Weber, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 495, entitled "AN ORDINANCE AMENDING CHAPTER 9.52, OF THE TOWN OF MILLS MUNICIPAL CODE PERTAINING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES IN THE TOWN OF MILLS, WYOMING" passed on Third Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held by the Council Chambers on the 4 day of September, 2002.



Raeann Weber  
Raeann Weber  
Town Clerk

I, the regularly appointed, duly qualified and action Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 495 approved and passed as certified above, and following its passage by the Town Council, was posted in the Town Clerk's Office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming on the 4 day of September, 2002.



Raeann Weber  
Raeann Weber  
Town Clerk