

Chapter 10.20

DRUNK DRIVING AND CARELESS DRIVING

Sections:

10.20.010 Careless driving.

10.20.020 Driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substances-Penalties.

10.20.030 Acceleration Contest or Exhibition on Streets.

10.20.010 Careless driving.

No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or safety of others, or in such a manner as to endanger, or be likely to endanger, any person or property. (Prior code § 10.206)

10.20.020 Driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substances-Penalties.

A. As used in this section:

1. "Alcohol concentration" means:
 - a. The number of grams of alcohol per one hundred (100) milliliters of blood;
 - b. The number of grams of alcohol per two hundred ten (210) liters of breath; or
 - c. The number of grams of alcohol per seventy-five (75) milliliters of urine.
2. "Controlled substance" includes:
 - a. Any drug or substance defined by W.S. 35-7-102(a)(iv);

b. Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

3. "Conviction" means as defined in W.S. 31-7-102(a)(xi).

4. "Driver's license" means as defined in W.S. 31-7-102(a)(viii) and includes nonresident operating privileges as defined in W.S. 31-7-102(a)(xiii).

5. "Other law prohibiting driving while under the influence" means a statute of another state, the United States or a territory or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substances or drugs.

B. No person shall drive or have actual physical control of any vehicle within the town if the person:

1. Has an alcohol concentration of ten one-hundredths of one percent or more; or
2. 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 names in subsections (B)(2)(a) and (b) of this section.

C. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or being in actual physical control of a vehicle while under the influence of alcohol, 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 substance shall give rise to the following presumptions:

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1. If there was at that time an alcohol concentration of five one-hundredths of one percent or less, it shall be presumed that the person was not under the influence of alcohol;

2. If there was at that time an alcohol concentration of more than five one-hundredths of one percent and less than ten one-hundredths of one percent, that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining whether the person was under the influence of alcohol to a degree which renders him incapable of safely driving a motor vehicle.

D. Subsection C of this section 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 alcohol, including tests obtained more than three hours after the alleged violation. The fact that any person charged with a violation of subsection B of this section is or has been entitled to use the controlled substance under the laws of state shall not constitute a defense against any charge under subsection B of this section.

E. A person convicted of violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). On a subsequent conviction within five years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars

(\$750.00). The judge may suspend part or all of the discretionary portion of a fine under this subsection if the defendant agrees to pursue and completes an alcohol education or treatment program as prescribed by the judge.

F. Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with W.S. 31-6-104(a). (Amended during 1998 codification; Ord. 1319, 1989; prior code § 10-207)

10.20.030 Acceleration contest or Exhibition of Streets.

A. Speed or acceleration contest or exhibition on streets or highways. It shall be unlawful for any person to engage in any motor vehicle speed or acceleration contest, or exhibition of speed or acceleration on any street or highway of the Town of Encampment without approval of such by the Governing Body of the Town by prior written resolution.

B. Aiding or abetting. It shall be unlawful for any person to aid or abet in any motor vehicle speed or acceleration contest or exhibition on any street or highway within the Town of Encampment, without a prior written resolution approving such use by the Governing Body of the Town of Encampment.

C. Obstructions or barricades on streets or highways. It shall be unlawful for any person to in any manner obstruct or place or assist in placing any barricade or obstruction on any street or highway within the Town of Encampment for the purpose of facilitating or aiding as an incident to

any motor vehicle speed or acceleration contest upon any street or highway within the Town of Encampment, and without approval of such use by the Governing Body of the Town of Encampment by prior written resolution.

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D. Penalty. Any person found to be guilty of a violation of this ordinance is guilty of a misdemeanor and upon conviction thereof is subject to a fine of not more than seven hundred fifty (\$750.00). (10.20.030 Adopted April 13, 2006)