

ORDINANCE NO. 989

AN ORDINANCE AMENDING SECTION 35 OF CHAPTER 47 OF THE 1953
COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND
JUNCTION:

THAT Section 35 of Chapter 47 of the 1953 Compiled Ordinances be amended
to read as follows:

a. It shall be unlawful for any person who is under the influence of intoxicating
liquor to drive any vehicle upon any street or other public way; provided, however, that
only the odor of liquor on the breath shall not be sufficient evidence of intoxication.

b. In any criminal prosecution for a violation of subsection (a) of this section, the
amount of alcohol in the defendant's blood at the time of the commission of the alleged
offense, or within a reasonable time thereafter, 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 such time 0.05 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.
- (2) If there was at such 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 either a 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) If there was at such time 0.15 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 alcohol.

c. The limitations of subsection (b) of this section shall not be construed as
limiting the introduction, reception or consideration of any other competent evidence
bearing upon the question of whether or not the defendant was under the influence of
intoxicating liquor. No person shall be required to take a blood alcohol or other test
without his consent; and failure to take a blood alcohol or other test shall not be
presumed as guilt on the part of the person so refusing to take the said test.

d. It shall be unlawful for any person who is a habitual user or under the
influence of any narcotic drug, or who is under the influence of any other drugs to a
degree which renders him incapable of safely operating a motor vehicle, to drive a

motor vehicle. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violation of this paragraph.

e. In addition to the penalties provided in Section 100 of this Chapter, it shall be the duty of the court, upon conviction under this Section, to take up the operator's license of any such person so convicted and send it to the State Motor Vehicle Department as provided by State Statute.

PASSED AND ADOPTED this 19th day of December, 1956.

/s/ W. D. Lowe
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 989 was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 5th day of December, 1956, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 20th day of December, 1956.

/s/ Helen C. Tomlinson
City Clerk

Proof of Publication 12-21-56
Proof of Publication 12-7-56