

STATE OF LOUISIANA
CITY OF WEST MONROE

ORDINANCE NO. _____

MOTION BY: _____

SECONDED BY: _____

ORDINANCE TO AMEND SEC. 11-4027 SECTION HEADING, (A)(1) A. AND C., (A)(2) AND (3), (C)(1)E. AND (C)(3); SEC. 11-4027.1 SECTION HEADING; SEC. 11-4027.2 SECTION HEADING; SEC. 11-4027.3 SECTION HEADING; SEC. 11-4027.4 SECTION HEADING; SEC. 11-4027.5(B)(3); AND SEC. 11-4027.6(A); ALL OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, ALL RELATIVE TO OPERATING A VEHICLE WHILE INTOXICATED (NOW TO BE “IMPAIRED”); TO PROVIDE RELATIVE TO CHANGES IN TERMINOLOGY; TO PROVIDE FOR A DEFINITION; TO PROVIDE RELATIVE TO ELEMENTS OF CERTAIN OFFENSES INVOLVING A MOTOR VEHICLE AND THE OPERATOR OF A MOTOR VEHICLE; TO PROVIDE FOR RELATED MATTERS; TO PROVIDE THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE; TO ESTABLISH AN EFFECTIVE DATE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Sec. 11-4027 section heading, (a)(1) a. and c., (a)(2) and (3), (c)(1)e. and (c)(3); Sec. 11-4027.1 section heading; Sec. 11-4027.2 section heading; Sec. 11-4027.3 section heading; Sec. 11-4027.4 section heading; Sec. 11-4027.5(b)(3); and Sec. 11-4027.6(a), all of the Code of Ordinances, City of West Monroe, Louisiana, are hereby amended to now provide as follows:

“Sec. 11-4027. Operating a vehicle while impaired.

(a)(1) The crime of operating a vehicle while impaired is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist:

a. The operator is impaired by alcoholic beverages.

* * *

c. The operator is impaired by any other drug, combination of drugs, or combination of alcohol and drugs.

(2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while impaired.

(3) As used in this Section, the term "drug" means any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.

* * *

(c)(1) For purposes of determining whether a defendant has a prior conviction for a violation of this Section, a conviction under any of the following shall constitute a prior conviction:

* * *

- e. A law of any state or an ordinance of a municipality, town, or similar political subdivision of another state that prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance, or as otherwise provided by R.S. 13:1894.1.

* * *

- (3) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section, a conviction for an offense under R.S. 14:39.1, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance, or as otherwise provided by R.S. 13:1894.1, if committed more than ten years prior to the commission of the crime for which the defendant is being tried, and such conviction shall not be considered in the assessment of penalties in this Section. However, periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or on probation or parole for an offense described in this Paragraph, or periods of time during which an offender was incarcerated in a penal institution in this or any other state for any offense, including an offense described in Paragraph (1) of this Subsection, shall be excluded in computing the ten-year period.

* * *

11-4027.1. Operating while impaired; first offense; penalties

* * *

11-4027.2. Operating while impaired; second offense; penalties

* * *

11-4027.3. Operating while impaired; third offense; penalties

* * *

11-4027.4. Operating while impaired; fourth offense; penalties

* * *

11-4027.5. Special provisions and definitions

* * *

(b)

* * *

- (3) An offender who has been convicted of any second violation of any state or local law or ordinance prohibiting operating a vehicle while impaired, committed within five years of the commission of any prior operating while impaired violation, shall not be eligible for home incarceration until the offender has first served a minimum of forty-eight consecutive hours of imprisonment.

* * *

11-4027.6. Underage operating while impaired

- a. The crime of underage operating a vehicle while impaired is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the

operator's blood alcohol concentration is 0.02 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, if the operator is under the age of twenty-one.

* * *”

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that if any provisions, sections or subsections of this ordinance are held invalid for any cause or reason, such invalidity shall not affect the other provisions, sections, or subsections of this ordinance which can give effect without the invalid provisions, sections, or subsections, and to this end each of the provisions, sections, and subsections of this ordinance are hereby declared severable;

SECTION 3. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that this amendment shall be effective August 7, 2024.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened, voted on by yea or nay vote, passed and adopted the 6th day of August, 2024, the final vote being as follows:

YEA: _____

NAY: _____

NOT VOTING: _____

ABSENT: _____

ATTEST:

APPROVED THIS 6TH DAY OF
AUGUST, 2024

CINDY EMORY, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA