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RENO GAZETTE-JOURNAL  
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January

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PROOF OF PUBLICATION

STATE OF NEVADA,  
COUNTY OF WASHOE

ss.

Doris Mertz

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of County Ordinance

of which a copy is hereto attached, was first published in said newspaper in its issue dated the 14th day of Jan, 1985 and, Jan 21, the full period of 2 days, the last publication thereof being in the issue of January 21 1985.

Signed

*Doris Mertz*

Subscribed and sworn to before me this

21st day of January, 1985

*Alice L. Buffalo*  
Notary Public

ALICE L. BUFFALO  
Notary Public - State of Nevada  
Washoe County  
My Appointment Expires June 5, 1985

NOTICE OF COUNTY ORDINANCE  
NOTICE IS HEREBY GIVEN that Bill No. 809, Ordinance No. 636, entitled "An ordinance amending the Washoe County Code by adding traffic crimes involving the use of alcohol or drugs and deleting specific reference to speed limits by name of street," was adopted on January 8, 1985, by Commissioners King, Lillard, McDowell, Ritter and Williams. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.

Judi Bailey  
County Clerk

3349008-Bill #809  
Jan.14.21-1md133

PLEASE STAMP & SIGN FOR PAYMENT

SUMMARY: Amends the Washoe County Code by adding traffic crimes involving the use of intoxicating substances, revising the crime of carrying a concealed weapon, and by deleting specific reference to speed limits by name of street.

BILL NO. 809

ORDINANCE NO. 636

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING TRAFFIC CRIMES INVOLVING THE USE OF ALCOHOL OR DRUGS, REVISING THE CRIME OF CARRYING A CONCEALED WEAPON, AND DELETING SPECIFIC REFERENCE TO SPEED LIMITS BY NAME OF STREET.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 70 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this ordinance:

SECTION 2.

70.38651 Driving while ability impaired.

1. It is unlawful for any person whose ability to operate a motor vehicle is impaired by the consumption or ingestion of alcohol, or any controlled substance or other material described in section 70.3865, to operate or be in actual physical control of a vehicle on a road or highway in the County of Washoe or on premises to which the public has access within the County of Washoe.

2. A violation of this section is a lesser and included offense of a violation of section 70.3865 and NRS 484.379.

SECTION 3.

70.38652 Drinking while driving. It is unlawful for any person to drink any intoxicating liquor in a motor vehicle while such person is driving such motor vehicle upon a road or highway within the county.

SECTION 4.

70.38653 Being under influence of alcohol or controlled substance in or about a motor vehicle.

1. Except as provided in subsection 2, a person shall not be intoxicated or under the influence of intoxicating liquor in or about any motor vehicle which is moving or parked on a highway or road within the county.

2. The provisions of subsection 1 do not apply to a person who is a passenger of a common carrier or a private vehicle.

3. Any person described in subsection 1 found under the influence of intoxicating liquor may be removed from the vehicle and placed into civil protective custody.

4. It is unlawful for any person who is under the influence of any controlled substance as defined in chapter 453 of NRS to be in or about any motor vehicle which is moving or parked on a highway or road within the unincorporated areas of the county.

5. Any person found under the influence of controlled substances in violation of subsection 4 is guilty of a misdemeanor.

#### SECTION 5.

70.3876 Imprudent driving. It is unlawful for any person to operate a vehicle on a highway in an imprudent manner without due consideration of the flow and movement of traffic and design and conditions of the road. A violation of this section constitutes imprudent driving and is a lesser and included offense of a violation of careless driving.

SECTION 6. Section 50.076 of the Washoe County Code is hereby amended to read as follows:

50.076 Possession of concealed weapon without permit or with expired or revoked permit.

1. It is unlawful for any person, unless otherwise authorized by law, to possess a concealed weapon upon his person without having first obtained a permit therefore as provided in sections 50.075 to 50.080, inclusive.

2. It is unlawful for any person who was issued a permit pursuant to sections 50.075 to 50.080, inclusive, to possess a concealed weapon upon his person if the permit has expired or has been revoked.

3. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 125.050.

4. A conviction of violating the provisions of this section is not an "offense" under NRS 202.350 and cannot be made the basis for a felony conviction at any subsequent date.

5. Nothing in this section prohibits prosecution and conviction of a violation of NRS 202.350 for carrying a concealed weapon without a permit.

SECTION 7. Section 70.055 of the Washoe County Code is hereby amended to read as follows:

70.055 "Highway" defined. "Highway" means the entire width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the use of the public for purposes of vehicular traffic,

whether or not the public authority is maintaining the way.

SECTION 8. Section 70.200 of the Washoe County Code is hereby amended to read as follows:

70.200 Traffic-control committee: Creation; membership; duties.

1. The traffic-control committee is hereby created and consists of three members. One member shall be a member of the sheriff's department recommended by the sheriff. Two members shall be recommended by the director of public works, one of whom shall be from the engineering division of the department of public works and one of whom shall be from the road division of the department of public works.

2. The members serve at the pleasure of the board of county commissioners.

3. The traffic-control committee shall make recommendations to the board of county commissioners concerning the establishment of maximum and minimum speed limits, traffic patterns, safety regulations, parking regulations, traffic-control devices and other matters properly relating to traffic control and safety in the county.

SECTION 9. Section 70.215 of the Washoe County Code is hereby amended to read as follows:

70.215 Adoption of state, federal traffic-control manuals, specifications.

1. The Nevada Traffic Control Manual, 1981 Edition, as revised, published by the department of transportation of the State of Nevada, and the Manual on Uniform Traffic Control Devices for Streets and Highways, 1978 Edition, as revised, adopted and published by the Federal Highway Administration of the United States Department of Transportation, copies of which are filed in the office of the county clerk, are hereby adopted by reference, incorporated herein and made a part of this chapter, and regulate all matters contained therein.

2. All official traffic-control devices used by the county must conform with the manuals adopted by the department of transportation of the State of Nevada.

3. The board of county commissioners shall not erect and maintain any traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting county road or street within unincorporated areas of the county unless approval in writing has first been obtained from the director of the department of transportation of the State of Nevada.

4. Nothing contained in this section shall be construed as limiting the statutory power of the board of county commissioners to control the use of roads and streets under its jurisdiction.

SECTION 10. Section 70.220 of the Washoe County Code is hereby amended to read as follows:

70.220 Location of official traffic-control devices, emergency placement.

1. The board of county commissioners is authorized with respect to highways under its jurisdiction to determine locations for the placement of official traffic-control devices in order to provide for the safe and expeditious movement of traffic.

2. In the event of an emergency or abnormal situation requiring temporary imposition of traffic controls, a peace officer or the county engineer may cause signs to be posted indicating such restrictions as may be necessary to alleviate the situation. The restrictions so imposed shall be effective from the time of posting until acted upon by the board of county commissioners.

3. A peace officer who causes an emergency sign to be posted shall report such action to the county engineer immediately or at the beginning of the next day that the county engineer's office is open. If the county engineer determines that continuation of the restriction is advisable, he shall allow continuation of the restriction and advise the board of county commissioners at their next meeting of the situation and recommend appropriate action. The board may hear the matter as an emergency item and order the removal, modification or continuation of the restriction upon such conditions as it deems appropriate.

SECTION 11. Section 70.265 of the Washoe County Code is hereby amended to read as follows:

70.265 Pedestrians on highways; soliciting rides, business; pedestrians under influence of intoxicating liquors, drugs.

1. Where sidewalks are provided, it is unlawful for any pedestrian to walk upon the paved portion of an adjacent highway except when crossing the highway at an intersection or within a crosswalk.

2. Pedestrians walking along highways where sidewalks are not provided shall walk on the left side of such highways facing the approaching traffic.

3. A person shall not walk along or stand in a highway for the purpose of soliciting a ride or any business from the driver or any occupant of a vehicle except where that person's vehicle has become disabled and he is seeking assistance.

4. No pedestrian who is under the influence of intoxicating liquors or any controlled substance as defined in chapter 453 of NRS shall be within the traveled portion of any highway. Any such person under the influence of intoxicating liquors shall be removed from such highway and placed into civil protective custody. Any such person under the influence of controlled substances is

guilty of a misdemeanor.

5. The provisions of this section apply also to riders of animals.

SECTION 12. Section 70.270 of the Washoe County Code is hereby amended to read as follows:

70.270 Speed: Basic rule.

1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by the county engineer for the particular portion of highway being traversed.

(d) A rate of speed greater than the national maximum speed limit specified in section 114 of P.L. 93-643 (23 U.S.C. §154).

2. Any person violating the national maximum speed limit imposed pursuant to paragraph (d) of subsection 1 but not exceeding a speed of 70 miles per hour is guilty of unnecessary waste of a resource in short supply and shall be fined \$5. Such a violation shall not be deemed a moving violation.

SECTION 13. Section 70.280 of the Washoe County Code is hereby amended to read as follows:

70.280 Maximum speed limits.

1. The maximum speed limit is 25 miles per hour upon any street, highway or alley in any congested area in the unincorporated area of the county unless a different speed limit is provided by subsections 2 or 3 or otherwise specifically established and posted as provided in this chapter.

2. The maximum speed limit is 15 miles per hour:

(a) When turning a corner from one street or highway into another in any congested area; or

(b) In public parks within the unincorporated area of the county.

3. The maximum speed limit in an area designated and posted as a school zone is 15 miles per hour from 7:30 a.m. to 4:00 p.m. during each day that school is in session, unless otherwise specifically posted.

SECTION 14. Section 70.285 of the Washoe County Code is hereby amended to read as follows:

70.285 Restricted speed zones: Establishment; signing; disobedience of instructional signs.

1. The board of county commissioners shall hear and

review recommendations or other reports of the traffic control committee and shall determine the advisability of adopting those recommendations.

2. The board may accept, modify or reject those recommendations and direct the county engineer to post appropriate signs reflecting the adopted restrictions upon the portions of the highways, roads or other public areas which the county has authority to regulate.

3. Upon the posting of appropriate signs, the speed restriction reflected on the signs becomes effective and a violation of such restriction is unlawful pursuant to section 70.270.

SECTION 15. Section 70.370 of the Washoe County Code is hereby amended to read as follows:

70.370 Minimum speed regulation. It is unlawful for any person to drive a vehicle upon a street or highway in the county at less than any posted minimum speed or at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

SECTION 16. Section 70.375 of the Washoe County Code is hereby amended to read as follows:

70.375 School buses: Speed restrictions. No school bus shall exceed a speed of 55 miles per hour when transporting pupils to or from school or any activity which is a part of a school program.

SECTION 17. Section 70.385 of the Washoe County Code is hereby amended to read as follows:

70.385 Authorized emergency vehicles: When speed limit not applicable.

1. The speed limits established pursuant to this chapter do not apply to authorized emergency vehicles when driven in response to an emergency call or in pursuit of an actual or suspected violator of the law, if the drivers thereof utilize visible flashing warning lamps and sound audible signals by siren or other comparable warning device.

2. The speed limits established pursuant to this chapter do not apply to authorized law-enforcement vehicles during those instances when sounding such audible or visual signals may foreseeably result in a violator of the law fleeing the scene of a crime.

3. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway or road, nor does it protect the driver of any such vehicle from the consequence of a reckless disregard for the safety of others.

SECTION 18. Section 70.3853 of the Washoe County Code is hereby amended to read as follows:

70.3853 Driving without valid license. It is unlawful for any person to drive a motor vehicle upon a road or highway in Washoe County without being the holder of a valid driver's license or instruction permit.

SECTION 19. Section 70.510 of the Washoe County Code is hereby amended to read as follows:

70.510 Designated primary truck routes: Lake Tahoe-Incline Village and Crystal Bay. The following public streets, highways and alleys within the unincorporated area of the county are hereby established as primary truck routes:

1. State Route 431 in its entirety.
2. State Route 28 in its entirety.

SECTION 20. Section 70.525 of the Washoe County Code is hereby amended to read as follows:

70.525 Designated primary truck routes: General. The following public streets, highways and alleys within the unincorporated area of the county are hereby established as primary truck routes:

1. Interstate Highway 80.
2. U.S. Highway 40.
3. U.S. Highway 395.
4. State Route 34 (Nixon Highway).
5. State Route 33 (Pyramid Lake Highway).
6. State Route 431 (Mount Rose Highway).
7. State Route 17 (Virginia City Highway).

SECTION 21. Section 70.550 of the Washoe County Code is hereby amended to read as follows:

70.550 Inspection by sheriff, deputies.

1. The sheriff and his deputies, in pursuance of assigned duty, having reasonable cause to believe that any vehicle or combination of vehicles is not equipped as required by Nevada Revised Statutes or is in such unsafe condition as to endanger the driver or other occupant or any person travelling upon a public highway, may require the driver thereof to stop and submit such vehicle or combination of vehicles to an inspection of the mechanical condition or equipment thereof and such test with reference thereto as may be appropriate.

2. If such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by Nevada Revised Statutes, the officer making the inspection may give the driver a written traffic citation or notice of vehicle equipment violation and further require the driver or the owner of the



vehicle to produce in court satisfactory evidence that such vehicle or its equipment has been made to conform with the requirements of this chapter and Nevada Revised Statutes.

SECTION 22. Section 70.565 of the Washoe County Code is hereby amended to read as follows:

70.565 When person must be taken immediately before magistrate. Whenever any person is halted and cited for a violation of this chapter or of chapter 484 of NRS punishable as a misdemeanor, the person shall be arrested and immediately, or as soon as court time permits, given a hearing, in any of the following cases:

1. When the person demands an immediate hearing.
2. When the person is cited for driving while under the influence of intoxicating liquor or of a controlled substance.
3. When the person is cited for failure to stop in the event of an accident causing death, personal injury or damage to property.
4. In any other case when the person refuses to give his written promise to appear in court.

SECTION 23. Section 70.570 of the Washoe County Code is hereby amended to read as follows:

70.570 When person may be given 5-day notice to appear in court.

1. Whenever a person is cited for a violation of any provision of this chapter or of chapter 484 of NRS punishable as a misdemeanor, and such person is not immediately taken before a magistrate as required by section 70.565, the police officer shall prepare in quadruplicate a written notice to appear in court containing the name and address of such person, the license number of the vehicle, if any, the offense charged and the time and place when and where such person shall appear in court.
2. The time specified in the notice must be at least 5 days after the date of the citation unless the person cited demands an earlier hearing.
3. In order to secure his release, the person cited must give his written promise to appear in court by signing at least one copy of the written notice prepared by the police officer. The police officer shall deliver a copy of the notice to the person promising to appear. Thereupon, the police officer shall forthwith release the person cited.

SECTION 24. Sections 70.275 and 70.290 to 70.365, inclusive, of the Washoe County Code are hereby repealed.

Proposed on the 18th day of December, 1984.  
Proposed by Commissioners/ King.

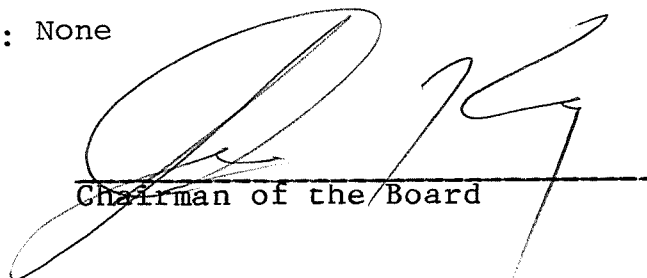
Passed on the 8th day of January, 1985.

Vote:

Ayes: Commissioners: King, Lillard, McDowell, Ritter & Williams

Nays: Commissioners: None

Absent: Commissioners: None

  
Chairman of the Board

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the 21st day of January, 1985.