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- Washoe County Clerk
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STATE OF NEVADA
COUNTY OF WASHOE

ss. Mary Cook

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 No. 892

of which a copy is hereto attached, has been
published in each regular and entire issue of said
newspaper on the following dates to wit:

Dec. 20, 27

Signed *Mary Cook*

Subscribed and sworn to before me this
27th day of December, 1993

Debra J. DiCianno

Notary Public

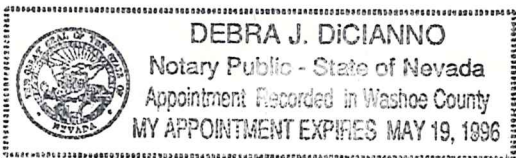
PROOF OF PUBLICATION

NOTICE OF COUNTY ORDINANCE
NO. 892

NOTICE IS HEREBY GIVEN that Ordinance No. 892, Bill No. 1067, entitled, AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE PROVISIONS RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCES AND OTHER MATTERS PROPERLY RELATING THERETO was adopted on December 14, 1993, by Commissioners Larry Beck, Steve Bradhurst, Dianne Cornwall, Gene McDowell, and Jim Shaw, and will become effective on December 27, 1993. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada. Judi Bailey, County Clerk No. 4522 Dec 20, 27, 1993

DEC 20 1993

COMPILED BY WASHOE COUNTY



SUMMARY: Amends Washoe County Code by revising provisions relating to driving under the influence.

BILL NO. 1067

ORDINANCE NO. 892

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE PROVISIONS RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCES AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Section 70.3865 of the Washoe County Code is hereby amended to read as follows:

70.3865 Driving under influence of intoxicating liquor, controlled substances: Special penalty.

1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has 0.10 percent or more by weight of alcohol in his blood; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have 0.10 percent or more by weight of alcohol in his blood, to drive 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. It is unlawful for any person who is an habitual user of or under the influence of any controlled substance, or who is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle to drive 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. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this state is not a defense against any charge of violating this subsection.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood was tested, to cause the alcohol in his blood to equal or exceed 0.10 percent. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

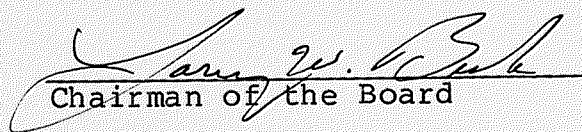
4. Any person convicted of violating the provisions of this section must be sentenced and must serve a term of confinement in the manner provided in chapter 484 of NRS for a violation of NRS 484.379.

5. The provisions of this section apply only to that conduct which constitutes a misdemeanor under chapter 484 of NRS. Nothing contained in this section prevents the prosecution and conviction of a person under the NRS for a gross misdemeanor or felony based upon conduct which also violates the provisions of this section.

Proposed on the 16th day of November, 1993.
Proposed by Commissioners McDowell.
Passed on the 14th day of December, 1993.

Vote:

Ayes: Commissioners: Beck, Bradhurst, Cornwall,
McDowell, and Shaw
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 27th day of December, 1993.