

DESCRIPTION OF LEGAL ADVERTISING

Ord. 643

3349008

**TERMS: Please pay from this invoice. It is due upon presentation and is past due after 15 days.**

**Legal Ad. Cost** 21.00

**Extra Proofs** 2.00

**Notary Fee** 2.00

**Total Amt due** 23.00

Washoe County Clerk  
 Charlotte James  
 P.O. Box 11130  
 Reno, Nv. 89520

MONTH

April

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
														X							X									

**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 15th day of April, 19 85 and, April 22nd, the full period of 2 days, the last publication thereof being in the issue of April 22nd, 19 85.

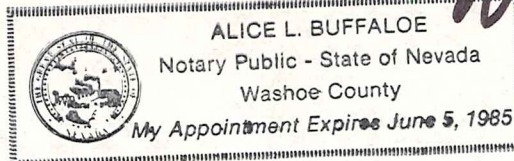
Signed

*Doris Mertz*

Subscribed and sworn to before me this

22nd. day of April, 19 85

*Alice L. Buffalo*  
 Notary Public



NOTICE OF COUNTY ORDINANCE  
 NOTICE IS HEREBY GIVEN that Bill No. 816, Ordinance No. 643, entitled "An ordinance amending the Washoe County Code by revising the crime of driving while ability impaired; defining the extent of impairment necessary for the crime; providing that the standards of probable cause for arrest shall be the same as those for driving under the influence; requiring prosecution under the laws pertaining to driving under the influence unless the prosecutor knows or it is obvious that he cannot obtain a conviction under those laws." was adopted on April 9, 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-ORD.#643  
 Apr. 15. 22-bja133

SUMMARY: Amends Washoe County Code by revising the crime of Driving While Ability Impaired.

BILL NO. 816

ORDINANCE NO. 643

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE CRIME OF DRIVING WHILE ABILITY IMPAIRED; DEFINING THE EXTENT OF IMPAIRMENT NECESSARY FOR THE CRIME; PROVIDING THAT THE STANDARDS OF PROBABLE CAUSE FOR ARREST SHALL BE THE SAME AS THOSE FOR DRIVING UNDER THE INFLUENCE; REQUIRING PROSECUTION UNDER THE LAWS PERTAINING TO DRIVING UNDER THE INFLUENCE UNLESS THE PROSECUTOR KNOWS OR IT IS OBVIOUS THAT HE CANNOT OBTAIN A CONVICTION UNDER THOSE LAWS.

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

SECTION 1. Section 70.38651 of the Washoe County Code is hereby amended to read as follows:

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, an alcoholic beverage 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. For the purposes of this section, "person whose ability to operate a motor vehicle is impaired" means any person whose ability to operate a motor vehicle was, at the time of the alleged violation, so weakened or reduced by the consumption, ingestion or use of alcohol, an alcoholic beverage or a controlled substance that the person was driving or was in actual physical control of a motor vehicle with less ability than the ability of an ordinary, careful and prudent driver.

3. In any criminal prosecution for a violation of this section, in which it is alleged the defendant was driving or was in actual physical control of a motor vehicle while his ability to operate the vehicle was impaired by the consumption of alcohol or an alcoholic beverage, the amount of alcohol in the defendant's blood at the time of the test as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance gives rise to the following:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, there is a presumption that at the time of the alleged violation the defendant was not a person whose ability to operate a vehicle was impaired.

(b) If there was at that time more than 0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, there is no presumption that at the time of the alleged violation the defendant was or was not a person whose ability to operate a motor vehicle was impaired, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

4. No peace officer shall arrest a person for an alleged violation of this section if probable cause exists to arrest that person for a violation of section 70.3865 or NRS 484.379.

5. The standard of probable cause for arrest under this section is equal to the standard of probable cause for arrest for a violation of section 70.3865 or NRS 484.379.

6. A violation of this section is a lesser and included offense of a violation of section 70.3865 and NRS 484.379. A prosecuting attorney may charge a violation of this section or amend his complaint to include a violation of this section only if upon review of all of the relevant facts and law, he knows or it is obvious that a charge of driving under the influence under section 70.3865 or NRS 484.379 is not supported by probable cause or that such a charge cannot be proved at time of trial.

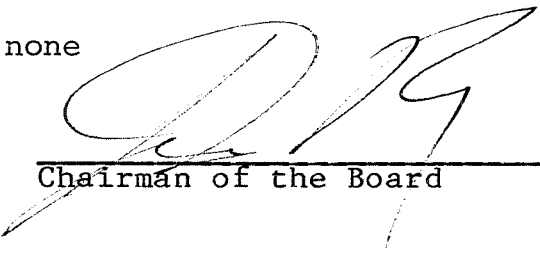
Proposed on the 12th day of March, 1985.  
Proposed by Commissioners Lillard.  
Passed on the 9th day of April, 1985.

Vote:

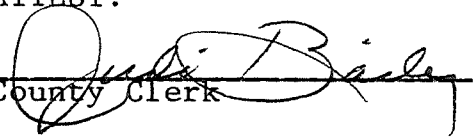
Ayes: Commissioners: King, Lillard, Williams, Ritter, McDowell

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 22nd day of April, 1985.