

SUMMARY: Amends Washoe County Code pertaining to crimes; establishes the crime of urinating or defecating in public places; allows the affidavits of experts to be used in certain criminal actions.

BILL NO. 150

ORDINANCE NO. 676

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE PERTAINING TO CRIMES; ESTABLISHES THE CRIME OF URINATING OR DEFECATING IN PUBLIC PLACES; ALLOWS THE AFFIDAVITS OF EXPERTS FOR THE PROSECUTOR TO BE ADMITTED INTO EVIDENCE IN CERTAIN CRIMINAL ACTIONS.

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

SECTION 1. Chapter 50 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

50.171 Urinating or defecating on public property or in public view unlawful.

1. It is unlawful for any person to urinate or defecate:

(a) On any highway, road, alley, sidewalk or public parking lot; or

(b) In any place open to public view.

2. As used in subsection 1:

(a) The words "highway," "road" and "alley" have the meaning ascribed to them in chapter 70 and include the entire width between the boundary lines of such ways;

(b) The word "sidewalk" has the meaning ascribed to it in section 70.135.

3. A violation of this section is a misdemeanor and shall be punished as provided in section 125.050.

SECTION 2. Chapter 70 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

70.3866 Affidavit of expert as to existence of alcohol or controlled substance; procedure for admission; payment of fees by defendant.

1. Whenever a person is charged with an offense punishable under section 70.3865, 70.38651 or 70.38652 of the Washoe County Code, and it is necessary to prove the existence of any alcohol or the existence or identity of a controlled substance, chemical, poison or organic solvent, the

prosecuting attorney may request that the affidavit of an expert or other person described in NRS 50.315 be admitted in evidence at the trial or hearing concerning the offense.

2. The request must be made at least 10 days before the date set for the trial or hearing and must be sent to the defendant's counsel and to the defendant, by registered or certified mail by the prosecuting attorney.

3. If the defendant or his counsel notifies the prosecuting attorney by registered or certified mail at least 96 hours before the date set for the trial or hearing that the presence of the expert or other person is demanded, the affidavit must not be admitted. A defendant who demands the presence of the expert or other person and is convicted of violating section 70.3865, 70.38651 or 70.38652 of the Washoe County Code shall pay the fees and expenses of that witness at the trial or hearing.

4. If at the trial or hearing the affidavit of an expert or other person has been admitted in evidence, and it appears to be in the interest of justice that the expert or other person be examined or cross-examined in person, the judge, justice of the peace or hearing officer may adjourn the trial or hearing for a period not to exceed 3 judicial days for the purpose of receiving such testimony. The time within which a preliminary examination or trial is required is extended by the time of the adjournment.

Proposed on the 22nd day of October, 1985.
Proposed by Commissioners McDowell.
Passed on the 12th day of November, 1985.

Vote:

Ayes: Commissioners: Lillard, McDowell, King, 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 25th day of November, 1985.