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### **PROOF OF PUBLICATION**

STATE OF NEVADA, COUNTY OF WASHOE

Alice Buffaloe

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being first duly sworn, deposes and says: That she is the legal clerk of	get
THE RENO EVENING GAZETTE, a daily newspaper published in Reno,	
in Washoe County, in the State of Nevada. That the noticeof	
Ordinance #273 Bill # 626	
of which a copy is hereto	
attached, was first published in said newspaper in its issue dated the	
the full period of 1 days, the last publication thereof being in the issue of Mar. 21st., 19 80	l_
Subscribed and sworn to before me this	WE_
NANCY S. FRITZ  Notary Public - State of Nevada  Washoe County  Notary Public	,
My Appointment Expires June 28, 1983	

SUMMARY: Makes various amendments to County Ordinance No. 273.

BILL NO. 626

### ORDINANCE NO. 455

AN ORDINANCE AMENDING "AN ORDINANCE CREATING THE OFFICE OF WASHOE COUNTY CORONER, DEFINING THE DUTIES OF THE OFFICE; PROVIDING FOR THE APPOINTMENT OF A CORONER; PROVIDING FOR THE ADMINISTRATION OF THE OFFICE; AND OTHER MATTERS PROPERLY RELATING THERETO" BY MAKING VARIOUS AMENDMENTS TO THAT ORDINANCE.

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

SECTION 1. Section 1 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 1. <u>Definitions</u>.

As used in this ordinance, unless the context otherwise requires:

- A. "Autopsy report" includes any report of internal examination, dissection, necropsy or autopsy of a dead body by a physician and any report of laboratory examination, microscopic examination or other technical test performed thereon.
- B. "Board" means the Board of County Commissioners of Washoe County.
- C. "Coroner" means the person appointed pursuant to section 2 of this ordinance, his deputies and assistants.
- D. "County" means Washoe County.
- E. "Inquest" means an inquiry before a coroner's jury in the manner specified in sections 21 to 28, inclusive, of this ordinance.
- F. "Inspection" or "postmortem examination" includes any external examination or collection of any specimen by a pathologist, physician or the coroner and any microscopic, toxicological, chemical, bacterial or other examination or collection and study of tissues and fluids which the coroner deems necessary to aid him in investigating the cause and manner of a person's death.
- G. "Investigation" means an inquiry by the coroner.
  "Investigation" includes testimony obtained under oath
  from any witness.
- H. "Law enforcement official" includes peace officers, the District Attorney and their investigators.
- I. "Medical examiner" means a physician licensed to practice medicine in the State of Nevada.
- J. "Record" means any report summarized by the coroner for public inspection.
- K. "Report" means a compilation of findings which are filed in the coroner's office in written form, detailed medical reports, the personal history of a deceased

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person, the result of any medical examination, witnesses' statements, correspondence, insurance forms and other evidence in support of the conclusions and findings placed in the coroner's record.

- L. "Toxicologist" means a person with special knowledge and skills in the science of toxicology or the study of poisons, chemicals, drugs and other toxic substances and their effect on the human body. A toxicologist also has special knowledge of the medical, legal and industrial problems dealing with toxicology.
- SECTION 2. Section 2 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

### SECTION 2. Creation of Office of Coroner.

- 1. There is hereby created the office of coroner.
- 2. Office space and necessary facilities for the coroner shall be provided for by the Board. All costs, salaries and expenses connected with or entailed in the operation of the coroner's office shall be borne and provided for by the County.
- 3. The Board shall establish qualifications for appointment to the office of coroner and shall appoint a suitable and qualified person to serve at the Board's pleasure.
- SECTION 3. Section 3 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

### SECTION 3. Deputies, Assistants and Other Staff Personnel.

Subject to the prior approval of the Board, the coroner may appoint, employ and pay such deputies, assistants and other staff personnel as may be necessary for the proper administration of his office and performance and discharge of his duties.

SECTION 4. Section 4 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 4. Pathologists, Medical Examiners.

Subject to the prior approval of the Board, the coroner may engage and pay for the services of pathologists to act as his medical examiners. Such pathologists shall, if practicable, be experienced in forensic pathology and certified by the American Board of Pathology. When no pathologist is available to act as the coroner's medical examiner, he may designate and authorize physicians licensed to practice medicine in the State of Nevada to act as his medical examiners. Those physicians may call upon any pathologist for consultation and assistance.

SECTION 5. Section 5 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 5. Bond of County Coroner.

The coroner shall file with the County Clerk a bond issued by a bonding or surety company authorized to do

business in the State of Nevada in the amount of not less than ten thousand dollars nor more than fifty thousand dollars as fixed by the Board. The bond shall be conditioned for the faithful performance of the duties of his office. The Coroner may require filing of bonds by any of his deputies, assistants, or other personnel in an amount not to exceed ten thousand dollars. The cost of the coroner's bond and those of his deputies, assistants or personnel shall be paid by the County. The Board may, at any time, require the coroner or his deputies, assistants or staff personnel to provide additional surety on his or their bonds, or to give a new bond. If the coroner or any of his deputies, assistants, or staff personnel fails to file his or their bond within the time required by the Board, fails to provide additional surety on his or their bonds or fails to provide a new bond within ten days after he or they have received written notice to do so by the Board, the Board may declare the office of the coroner vacant, and may remove any of his deputies, assistants or other personnel.

SECTION 6. Section 6 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 6. Coroner's Record.

- The coroner shall keep an official record in which he shall enter:
  - A. The name and any alias of the deceased, when known, including such description as may be sufficient for identification. The description may include fingerprint records.
  - B. A narrative summary of the events leading to and surrounding the death of the deceased and transportation of the body, together with names and addresses of any witnesses to such events.
  - C. A list of the property taken from the person or premises of the deceased by the coroner or by any peace officer.
  - D. The date and cause of death, when known.
  - E. Information as to disposition of the deceased's remains.
  - F. A list of persons notified of the death, together with a notation of any unsuccessful attempts at notification.
  - G. The date of holding of any inquest.
  - H. The disposition of the property of the deceased made by the coroner.
- 2. In any case of death apparently caused by criminal means, and upon request by law enforcement officials, the coroner's narrative summary shall be prepared in such a manner as to prevent the unauthorized discovery or inspection of:

- A. Reports, memoranda or other internal documents received from and made by those officials in connection with their investigation of the death or with the prosecution of any person responsible therefor; and
- B. Statements made by any witness or prospective witness (other than any person criminally accused of causing the death) to those officials;

until such time as the person criminally accused has been acquitted of the charge or charges or until such time as he has exhausted his rights to appeal his conviction.

- 3. The coroner shall make all information compiled for his official record available for public release and inspection as soon as practicable after receipt thereof. That information may be fully copied or an abstract or memorandum may be prepared therefrom. The coroner shall furnish certified copies of the information to any person who requests them.
- 4. Any information not contained in the coroner's official record may be obtained by:
  - A. Law enforcement officials in carrying out their official duties;
  - B. A deceased's next of kin or by other persons with the written authorization of the next of kin; and
  - C. Any person who, by subpena, seeks the information for use in a judicial proceeding.

SECTION 7. Section 7 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 7. Jurisdictional Authority.

- 1. The coroner shall determine the cause and manner of death of any person reported to him as having died as a result of violence or trauma, having suddenly died under circumstances whereby the cause of death is obscure, having died under such circumstances as to afford reasonable grounds to suspect or infer that death has been caused or occasioned by the act of another, having died under circumstances affording reasonable grounds to suspect that the death has been occasioned by unnatural, unlawful or suspicious means, having committed suicide or when the cause and circumstances of a death are of concern to the public health, safety or welfare.
- 2. The coroner shall go to the location of and investigate the death of any person reported to him as having died in any of the manners specified above, or where the public health, safety or welfare require. The coroner shall also investigate all deaths which have occurred under the following circumstances:

- A. Death apparently due, entirely or in part, to a factor other than natural disease. These include homicidal, suicidal or accidental deaths or deaths due in part to remote or recent trauma, chemicals, violence, or mechanical, thermal, electrical or radiational injury.
- B. Unattended death, persons found dead, or sudden unexpected death not caused by readily recognized disease.
- C. Death wherein the deceased has not been attended by a physician in the ten days preceding death.
- D. Death occurring during the course of hospitalization of less than twenty-four hours duration.
- E. Death occurring while a person is under general or local anethesia or death occurring within an operating or recovery room.
- F. Death alleged to have been caused iatrogenically or by medical malpractice.
- G. Death apparently caused by acute or chronic alcoholism, narcotics, or by the effects of other drugs or agents, including any death in which the diagnosis is suspected to be homologous serum jaundice, agranulocytosis, aplastic anemia or any other possible complication of drug therapy or toxic exposure.
- H. Death occurring while a person is in a place of incarceration or while under sentence, or within the custody of peace officers, including deaths of inmates of public institutions hospitalized therein for treatment other than for organic disease.
- I. Death due to abortion or during child birth.
- J. Stillbirths of fetuses of twenty or more weeks gestation if unattended by a physician.
- K. Death apparently due to neglect, exposure or starvation.
- L. Death in a nursing home or other institution without recent (within 10 days) medical attendance.
- M. Death apparently due to an infectious or contagious disease or other hazards to the public health if the diagnosis and extent of the disease are undetermined at the time of death.
- N. Death which is possibly attributable to environmental exposure or which may be related to the decedent's occupation.
- O. Death of any child under sixteen years of age, where medical history has not established some pre-existing condition consistent with sudden death.

- 3. Whenever the coroner conducts an investigation pursuant to this section, and before he signs a death certificate, he shall determine the cause and manner of death and shall sign and certify the cause of death on the death certificate or shall certify that the cause of death cannot be determined with reasonable medical certainty.
- 4. When reasonable grounds exist to believe that a death has been caused by the criminal act of another, the coroner shall furnish all necessary assistance to the law enforcement agency having jurisdiction over the location where the body of the deceased is found. In such cases, the coroner's duty shall be to determine the cause and manner of the death and the duty of the law enforcement agency shall be to determine the identity of the person or persons responsible for the death and submit that information to the appropriate prosecuting authority.

SECTION 8. Section 8 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

SECTION 8. Issuance of Death Certificate. The cause of death appearing on a death certificate signed by the coroner shall be in conformity with facts ascertained from his inquiry, autopsy or other scientific findings. In cases of death without medical attendance and without violence, casualty, criminal or undue means, the coroner may, without holding an inquest or conducting an autopsy, sign the death certificate based on statements of relatives, persons last in attendance or persons present at the time of death, after due medical consultation and opinion has been given by a physician licensed to practice medicine and so recorded in the records of death, providing such information affords clear grounds to establish the correct medical cause of death within accepted medical practice and within the requirements for accuracy prescribed by the Bureau of Vital Statistics of the State Health Division.

SECTION 9. Section 9 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

SECTION 9. Powers and Duties of Coroner in Examination of Bodies.

If the coroner's preliminary investigation fails to satisfy him or the medical examiner as to the cause and manner of a particular death, where the cause and manner of a death may represent a hazard to the public health or where there are reasonable grounds to suspect that a crime has been committed, the coroner or medical examiner may:

- 1. Take possession of and inspect or examine the body of the deceased person and may perform a post-mortem examination or complete autopsy. He may also exhume the body in connection with any inspection or examination.
- Collect and make, or cause to be made, analyses of the blood, body fluids or contents of the stomach,

organs or tissues of the body and secure professional opinions as to the result of such analyses. Information gathered by such analyses shall be reduced to writing and filed by the coroner in his report of the death of the deceased person.

- 3. Collect or retain such tissues of the body removed at the time of an autopsy or postmortem examination as may be necessary or advisable to conduct a proper investigation or for verification of the findings relating to the deceased person's identity and the cause or manner of his death.
- 4. Hold an inquest.

SECTION 10. Section 10 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

SECTION 10. Additional Powers and Duties of Coroner. In addition to the powers and duties of the coroner enumerated above, the coroner may perform an autopsy on remains of other deceased persons within his jurisdiction if:

- The deceased has authorized such an autopsy in his will or by other written instrument.
- 2. Written authorization is provided by a person or on behalf of any entity whom the deceased designated in writing during his lifetime to take charge of his body for burial or other purposes.
- 3. Written authorization is provided by the deceased's surviving spouse.
- 4. Written authorization is provided by a surviving adult child or parent of the deceased.
- 5. Written authorization is provided by a surviving brother or sister of the deceased.
- 6. Written authorization is provided by any other relative of the deceased or other person who has acquired the right to control the disposition of the remains.
- Written authorization is provided by the District Attorney of the County.
- 8. Written authorization is provided by any other duly authorized public officer.

SECTION 11. Section 11 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

SECTION 11. Duties of the Medical Examiner. The coroner's medical examiner, upon being notified by the coroner of the location of a deceased person and when the circumstances of the case require further medical inquiry, shall, at the earliest possible time thereafter, conduct a medical examination or a partial or complete autopsy as may be required, and shall immediately report his findings in writing, stating the cause of death, if known, or that additional microscopic,

toxicological or other studies are necessary to establish the cause of death. The report shall reflect whether or not the body has been medically released for final disposition pending issuance of the detailed autopsy report.

SECTION 12. Section 12 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

# SECTION 12. Notification of Deceased's Relatives - Release and Disposition of Remains.

The coroner shall use due diligence to locate relatives of the deceased and notify them of his death and of the location of the remains. The coroner, upon completion of his investigation and upon proper identification of the deceased, shall release the body of the deceased for burial. The body of any unidentified or unclaimed person shall be buried by order of the coroner after a period of time not to exceed ten days from completion of his investigation.

SECTION 13. Section 13 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

# SECTION 13. Notification of Coroner when Death has Occurred.

Any person with knowledge of the existence and location of the body of a deceased person in the County who apparently has died under any of the circumstances enumerated in section 7 of this ordinance shall notify the coroner of that fact in the most expeditious manner possible.

SECTION 14. Section 14 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

# SECTION 14. Removal or Disturbance of Remains and Effects of Deceased.

- 1. Unless immediate removal of a dead body is required to protect public health or safety, no person except a peace officer may remove a dead body from the position in which it is discovered nor disturb, search or remove any object from the body without prior authorization of the coroner if the death has occurred under any of the circumstances enumerated in section 7 of this ordinance. The peace officer shall take all reasonable precautions to avoid interfering with the investigation conducted by the coroner pursuant to that same section.
- 2. When the coroner deems it necessary, he may lock any door and seal any window of the structure in which the body of a deceased person is found. The structure shall remain so secured until such time as a legal representative of the deceased assumes responsibility for ultimate disposition of the body. In securing the structure, the coroner shall take all necessary precautions to avoid interfering with any investigation being conducted by law enforcement agencies.

- 3. Any costs arising out of and during the time that a structure is secured by the coroner constitute proper and legal charges against the estate of the deceased person.
- 4. Any weapon, property or evidence reasonably related to the investigation or prosecution of any person suspected of having criminally caused the death of a person may be delivered by the coroner to law enforcement agencies or to the District Attorney, written receipt of which shall be acknowledged.

SECTION 15. Section 15 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

SECTION 15. Unauthorized Embalming When Cause of Death is Unknown.

No person may embalm any dead body subject to, or under the control of the coroner until he authorizes embalming to be done.

SECTION 16. Section 16 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

SECTION 16. Interference with Coroner's Performance.

No person may hinder, obstruct or prevent the coroner's performance and discharge of his official duties.

SECTION 17. Section 17 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 17. Property of Deceased.

- 1. The coroner shall establish and maintain adequate receipting and accounting procedures and records respecting decedents' money and personal property and effects. The coroner, as soon as practicable, shall file an affidavit or receipt setting out the amount of, and shall deliver to the County Treasurer, any money or property which may have been found with the deceased, unless taken from the coroner's possession by legal authority. If the coroner fails so to pay or deliver such money or property, the County Treasurer may recover the same by an action of law.
- 2. Upon payment of money by the coroner to the County Treasurer's office, the Treasurer shall place it to the credit of the County.
- 3. Upon the delivery of property by the coroner to the County Treasurer's office, the Treasurer shall:
  - A. Deliver the property to the Public Administrator for disposition according to law; or
  - B. Give written notice to the Public Administrator of his intention to sell such property at public sale.

If, within ten days after the giving of such notice, the Public Administrator claims the

property for disposition, the County Treasurer shall deliver it to him. If the Public Administrator does not claim the property, the County Treasurer may, after giving notice by posting at the Courthouse for at least 10 days, sell the property at public sale and deposit the proceeds in the County treasury.

4. If the money deposited in the County treasury is demanded within six years, the County Treasurer shall pay it to the person legally authorized to receive it. The money may also be paid at any time subsequent to the expiration of six years to the representatives of the deceased upon order of the Board.

SECTION 18. Section 18 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

# SECTION 18. Burial of Deceased-When a Charge Against County.

After a coroner's inquiry, inspection, investigation or inquest, as provided in this ordinance, and if no person assumes responsibility for the remains of a deceased person, the coroner shall cause the remains to be decently buried. The expenses of the burial shall be paid from the money deposited with the County Treasurer or the estate of the deceased, as the case may be. If the deceased has no money or estate, or the money or estate of the deceased is insufficient to bear the entire cost of the burial, the County shall bear the costs of the burial in excess of any money or estate available.

SECTION 19. Section 19 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

### SECTION 19. Designation of Morgue or Mortuaries.

In the absence of a County morgue, or in times of disaster, the coroner may designate one or more commercial mortuaries with sufficient accommodations and facilities to receive bodies. No person or firm operating a morgue or mortuary, nor any of his or its employees, may be held liable for the acts of the coroner in performing the removal of any body to a morgue or mortuary, or for the performance of an autopsy upon such a body.

SECTION 20. Section 20 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

### SECTION 20. Inquests: Coroner's Duties.

- In all cases where it is apparent or can be reasonably inferred that a death may have been caused by a criminal act, the coroner shall notify the District Attorney and the Sheriff of the County of that fact, and they shall make an investigation with the assistance of the coroner.
- 2. The holding of an inquest is within the sound discretion of the coroner, the District Attorney

or District Judge of the County. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide or accident, when it is publicly known that the death was caused by a person already in custody or when the District Attorney or District Judge certifies that no inquest is required.

- 3. If an inquest is held, the coroner shall, in addition to notifying the District Attorney and the Sheriff, summon three persons qualified by law to serve as jurors to appear before him forthwith at the place where the body is or such other place within the County as may be designated by him to inquire into the cause of death.
- 4. A single inquest may be held with respect to more than one death, where all of such deaths were occasioned by a common cause.

SECTION 21. Section 21 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

### SECTION 21. Penalty for Failure to Attend as Juror.

Any person summoned as a juror who fails to appear without having a reasonable excuse, shall forfeit the sum of \$100, to be recovered by the District Attorney of the County in any court of competent jurisdiction, and paid by him into the County treasury.

SECTION 22. Section 22 of Washoe County Ordinance No. 273 is hereby amended to read as follows:

#### SECTION 22. Oaths of Jurors.

When the jurors attend, they shall be sworn by the coroner, to inquire who the person was, and when, where and by what means he came to his death, and into the circumstances attending his death, and to render a true verdict thereon according to the evidence.

SECTION 23. Washoe County Ordinance No. 273 is hereby amended by adding thereto the provisions set forth as sections 23 to 30, inclusive, of this ordinance.

# SECTION 23. Fees of Jurors; Expenses of Transportation of Jury.

- 1. Jurors of coroner's juries are entitled to receive for each day's service an amount equal to that received by jurors summoned in District Court cases, to be certified to the County Clerk by the coroner and audited, allowed and paid as are other claims against the County.
- 2. When it is necessary for a coroner's jury to travel a greater distance than 1 mile to view the remains, or to the place where the inquest is to be held, the necessary and actual expenses incurred by the coroner for the transportation of the jury shall be allowed, audited and paid as are other claims against the County, after having been duly certified to by the coroner.

# SECTION 24. Witnesses: Summoning; Examinations; Adjournment of Inquest.

- 1. The coroner may issue subpenss for witnesses, returnable as he may direct and served by himself or such person as he may direct. Witnesses subpensed by the coroner are entitled to receive for each day's appearance an amount equal to that received by witnesses subpensed to testify in District Court cases, to be certified to the County Clerk by the coroner and audited, allowed and paid as are other claims against the County.
- 2. The coroner shall summon and examine as witnesses every person who, in his opinion or that of any of the jurors, has any knowledge of the facts, and he may summon a qualified surgeon or physician to inspect the body, or hold a postmortem examination thereon, or a chemist to make an analysis of the stomach or the tissues of the deceased and give a professional opinion as to the cause of the death.
- 3. The coroner may adjourn the inquest from time to time as may be necessary.

# SECTION 25. Witness Failing to Attend Punishable for Contempt.

Any witness who fails to obey the subpena of the coroner may be fined for contempt of the jury, in like manner as in a justice's court.

## SECTION 26. Rendition of Verdict: Certification; Contents.

After inspecting the body and hearing the testimony, the jurors shall render their verdict and certify it by an inquisition in writing, signed by them, and setting forth the name of the deceased, when, where and by what means he came to his death.

# SECTION 27. Testimony Reduced to Writing; Filed With Clerk of District Court.

The testimony at the inquest shall be reduced to writing by the coroner, or as he may direct, and by him, without delay, filed in the office of the Clerk of the District Court of the County.

#### SECTION 28. Coroner's Rules.

The coroner may adopt such rules as he deems necessary to facilitate the operation of his office and to carry out the purposes of this ordinance. Such rules shall have the same effect in law as the provisions of this ordinance when approved by the Board.

#### SECTION 29. Fees of Coroner.

The coroner may establish and charge fees for reproduction of any document available to the public and for the performance of any act which he is authorized but not required to perform pursuant to this ordinance. Such fees, when collected, shall be paid by him into the County treasury.

- 1. If the coroner wilfully refuses to abide by or violates any provision contained in this ordinance he is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$500.
- 2. Any other person who wilfully refuses to abide by or violates any provision contained in this ordinance is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$500, by imprisonment in the County Jail for not more than 6 months, or by both such fine and imprisonment.

Proposed on the 19th day of March , 1980.

Proposed by Commissioners Farr, Stoess, Underwood & Ferrari.

Passed on the 25th day of March , 1980.

Vote:

Ayes:

Commissioners: Farr, Stoess, Underwood & Ferrari.

Nays:

Commissioners: Brown

Absent:

Commissioners: None

Chairman of the Board

TTEST

Juli Bailey

This ordinance shall be in force and effect from and after the 9th day of April , 1980.

864-38