

SUMMARY: Amends Chapter 50 and Chapter 70 of the Washoe County Code related to traffic laws and penalties.

BILL NO. 1805

ORDINANCE NO. 1698

AN ORDINANCE AMENDING WASHOE COUNTY CODE ("WCC") CHAPTER 50 (PUBLIC PEACE, SAFETY AND MORALS) AND CHAPTER 70 (VEHICLES AND TRAFFIC) BY REPEALING SECTIONS DUPLICATIVE OF STATE LAW REQUIRING A NEW RESIDENT TO OBTAIN A NEVADA DRIVER'S LICENSE; BY AMENDING THE PENALTY SECTION IN WCC CHAPTER 50 TO BE PUNISHABLE AS A CIVIL PENALTY OF NOT MORE THAN \$500 IN LIEU OF A MISDEMEANOR CITATION; BY AMENDING WCC CHAPTER 70 TO RETAIN A MISDEMEANOR CITATION FOR THE FOLLOWING OFFENSES: NOT OBEYING A POLICE OFFICERS' ORDERS; NOT OBEYING TRAFFIC CONTROL DEVICES; INTERFERING WITH TRAFFIC CONTROL DEVICES; HITTING A PEDESTRIAN IN A CROSSWALK; WALKING ALONG HIGHWAYS WHILE NOT ON PAVED PORTION OF ROADWAY OR CROSSWALK OR INTOXICATED; SPEEDING OVER 30 MILES PER HOUR OR MORE THAN LIMIT; DRIVING WITHOUT A LICENSE; DRIVING WITH A SUSPENDED LICENSE; DRINKING WHILE DRIVING; FAILING TO STOP AT THE SCENE OF AN ACCIDENT; FAILING TO GIVE NOTICE OF ACCIDENT; RECKLESS DRIVING; AND FAILING TO APPEAR IN COURT; BY AMENDING WCC CHAPTER 70 TO PROVIDE FOR A CIVIL PENALTIES FOR THE FOLLOWING OFFENSES: CROSSING AT OTHER THAN CROSSWALK; SPEED LIMIT FINE; ANGLE PARKING IN CERTAIN INCIDENCES; AND PROVIDING THAT A CIVIL PENALTY SHALL BE THE DEFAULT PENALTY FOR A VIOLATION OF CHAPTER 70 IN ACCORDANCE WITH ASSEMBLY BILL 116 OF THE 2021 NEVADA LEGISLATIVE SESSION; AND BY AMENDING WCC CHAPTER 70 TO SPECIFY GROSS MISDEMEANOR PENALTIES FOR OFF-HIGHWAY VEHICLE VIOLATIONS; DRIVING UNDER THE INFLUENCE; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

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

SECTION 1: Section 70.3859 of the Washoe County Code is hereby repealed.

SECTION 2: Section 50.226 of the Washoe County Code is hereby amended to read as follows:

50.226 - Penalty.

Except as otherwise provided in this chapter, any person who violates any of the provisions of sections 50.216 to 50.226, inclusive, is guilty of a civil infraction, and upon disposition of the civil infraction citation, shall be punished by a civil penalty of not more than \$500.

SECTION 3: Section 70.205 of the Washoe County Code is hereby amended to read as follows:

70.205- Obedience to police officers.

It is unlawful for any person willfully to fail or refuse to comply with any lawful order or direction of any police officer while he is performing his duties in the enforcement of this chapter. A violation of this provision is a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 4: Section 70.225 of the Washoe County Code is hereby amended to read as follows:

70.225 Directions of police officer, flagman.

Notwithstanding any contrary law, all traffic shall obey official traffic-control devices when they have been erected, except when otherwise directed by a police officer or flagman authorized by law, and shall always obey the directions of a police officer. A violation of this provision is a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 5: Section 70.245 of the Washoe County Code is hereby amended to read as follows:

70.245 - Interference with official traffic-control devices, railroad signs or signals.

A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. A violation of this provision is a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 6: Section 70.250 of the Washoe County Code is hereby amended to read as follows:

70.250 - Pedestrians' right-of-way in crosswalks; pedestrian obedience to traffic-control devices.

1. Except as provided in section 70.255, when official traffic-control devices are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

3. Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle until such driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

4. Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

(a) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed his crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(c) Whenever the word "Wait" still appears in a signal, such indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(d) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in such manner as provided in this section and in section 70.230.

5. If, while violating paragraph (1) or (3) of this provision, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 7: Section 70.255 of the Washoe County Code is hereby amended to read as follows:

Section 70.255 - Crossing at other than crosswalks.

1. Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the highway.

2. Any pedestrian crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.

3. Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.

4. A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

5. When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

6. A violation of this section is punishable by the imposition of a civil penalty of not more than \$100.

SECTION 8: 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.

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

SECTION 9: Section 70.270 of the Washoe County Code is hereby amended to read as follows:

70.270 - Speed: Basic rule.

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

1. A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.
2. Such a rate of speed as to endanger the life, limb or property of any person.
3. A rate of speed greater than that posted by the county engineer for the particular portion of highway being traversed.
4. In any event, a rate of speed greater than 75 miles per hour.
5. A person who commits a violation of any provision of this section and, at the time the violation was committed, was operating a vehicle at a rate of speed that was 30 miles per hour or more over that posted by a public authority is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 10: Section 70.275 of the Washoe County Code is hereby amended to read as follows:

70.275 Exceeding speed limit: Fine.

1. A person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by civil penalty of \$25 if:

(a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.

(b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.

2. A violation of the speed limit under any of the

circumstances set forth in subsection 1 shall not be deemed a moving traffic violation.

3. The provisions of this section do not apply to a violation specified in subsection 1 if the portion of the highway being traversed is in:

(a) An urban area; or

(b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

SECTION 11: Sections 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. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 12: Sections 70.3855 of the Washoe County Code is hereby amended to read as follows:

70.3855 - Driving when nonresident privileges canceled, suspended or revoked.

No person whose driving privilege as a nonresident has been canceled, suspended or revoked, as provided in NRS 483.010 to 483.630, inclusive, shall drive any motor vehicle upon the roads or highways of Washoe County while such privilege is canceled, suspended or revoked. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 13: Section 70.3863 of the Washoe County Code is hereby amended to read as follows:

70.3863 Driving while license canceled, revoked or suspended; probation, suspended sentences, plea bargaining prohibited; special penalties.

1. Except as provided in subsection 2, any person who drives

a motor vehicle within Washoe County at a time when his driver's license has been canceled, revoked or suspended is guilty of a misdemeanor. If the license was suspended, revoked or restricted because of a violation of NRS 484C.110, 484C.120, 484C.210 or 484C.430, or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or of the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

2. No person who is punished under this section may be granted probation and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason unless, in his judgment, the charge is not supported by probable cause or cannot be proved at trial.

3. Any term of confinement imposed under the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense and the family and employment of the person convicted. However, the full term of confinement must be served within 6 months after the date of conviction, and any segment of time the person is confined must not consist of less than 24 hours.

SECTION 14: Section 70.38646 of the Washoe County Code is hereby amended to read as follows:

70.38646 - Penalties.

Any person violating any of the provisions of this chapter regarding the ownership, operation and use of OHVs shall be punished in accordance with NRS 490.520.

SECTION 15: 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 0.08 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 0.08 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 © 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 484C of NRS for a violation of NRS 484C.110.

5. The provisions of this section apply only to that conduct which constitutes a misdemeanor under chapter 484C 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.

SECTION 16: Section 70.38662 of the Washoe County Code is hereby amended to read as follows:

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 or in actual physical control of such motor vehicle upon a road or highway within the county. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 17: Section 70.38662 of the Washoe County Code is hereby amended to read as follows:

70.3867 - Duty to stop at scene of accident involving damage to vehicle or property.

1. The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of NRS 484E.020.
2. Every such stop shall be made without obstructing traffic more than is necessary.
3. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 18: Section 70.3869 of the Washoe County Code is hereby amended to read as follows:

70.3869 - Duty upon damaging unattended vehicle or other property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 19: Section 70.3871 of the Washoe County Code is hereby amended to read as follows:

70.3871 - Immediate notice of accident.

1. The driver of a vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such accident to the nearest office of a police authority or of the Nevada Highway Patrol.
2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection 1 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
3. A person who violates this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 20: Section 70.390 of the Washoe County Code is hereby amended to read as follows:

70.390 - Reckless driving; acts, neglect of duty constituting.

1. It is unlawful for any person, on a public road or highway or on premises to which the public has access, to:
  - (a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.
  - (b) Willfully fail or refuse to stop his vehicle for a peace officer under the circumstances provided in subsection 1 of NRS 484B.550.
  - (c) Drive a vehicle in an unauthorized speed contest.
2. A violation of this section constitutes reckless driving. A person who violates this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 21: Section 70.400 of the Washoe County Code is hereby amended to read as follows:

70.400 - Angle parking prohibited; penalty.

1. It is unlawful to stop, park or leave standing any vehicle, whether attended or unattended, at an angle to the

highway when such vehicle extends into the paved or main-traveled part of the highway, unless the area in which such vehicle is stopped, parked or left standing is an area for which a permit has been issued by the sheriff permitting such stopping, parking or standing of vehicles.

2. This section does not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

3. Any person who violates the provisions of this section is guilty of a civil infraction punishable by civil penalty only.

SECTION 22: Section 70.455 of the Washoe County Code is hereby amended to read as follows:

70.455 - Restricted parking: Glendale Road from Kietzke Lane to a point 0.56 miles east.

1. The board of county commissioners hereby finds that:

(a) Parking on Glendale Road from Kietzke Lane to a point 0.56 miles east on Glendale Road creates a hazard to persons using the highway and unduly interferes with the free movement of traffic on Glendale Road due to the high-speed limit and high-density traffic usage.

(b) The elimination of parking will facilitate the free movement of traffic and eliminate hazards created by the stopping, standing or parking of vehicles in this section of Glendale Road.

2. Pursuant to subsection 35 of NRS 484B.450, the community services department, in cooperation with the department of transportation of the State of Nevada, is hereby authorized and directed to place the necessary official traffic-control devices to prohibit the stopping, standing or parking of vehicles on both sides of Glendale Road, commencing at Kietzke Lane to a point 0.56 miles east of Kietzke Lane.

SECTION 23: Section 70.460 of the Washoe County Code is hereby amended to read as follows:

70.460 - Restricted parking: U.S. Highway 395 South from Reno city boundary to a point 500 feet south to Holcomb Lane.

1. The board of county commissioners hereby finds that:

(a) Parking on the east and west side of U.S. 395 South from Hash Lane (the Reno city boundary) to a point 500 feet south of

Holcomb Lane creates a hazard to persons using the highway and unduly interferes with the free movement of traffic on U.S. 395 South due to the high-speed limit and high-density traffic usage.

(b) The elimination of parking and establishment of a continuous left-turn center lane will facilitate the free movement of traffic and eliminate hazards created by the stopping, standing or parking of vehicles in this section of U.S. 395 South.

2. Pursuant to subsection 35 of NRS 484B.450, the community services department, in cooperation with the department of transportation of the State of Nevada, is hereby authorized and directed to place the necessary traffic-control devices to prohibit the stopping, standing or parking of vehicles on both the east and west sides of U.S. Highway 395 South, commencing at Hash Lane (the Reno city boundary) south to a point 500 feet south of Holcomb Lane.

SECTION 22: Section 70.575 of the Washoe County Code is hereby amended to read as follows:

SECTION 24: Section 70.575 of the Washoe County Code is hereby amended to read as follows

70.575 - Failure to obey citation unlawful.

It is unlawful for any person to violate his written promise to appear given to a police officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued. A person who violates this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 25: Section 70.600 of the Washoe County Code is hereby amended to read as follows:

70.600 Penalties.

Except as otherwise provided in this chapter, any person who violates any of the provisions of this chapter is guilty of a civil infraction, and upon disposition of the civil infraction citation shall be punished by a civil penalty of no more than \$500.00 in addition to the penalties imposed by NRS 484A.7043.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a

business.]

Proposed on the 15 day of November, 2023.

Proposed by Commissioner Jung.

Passed on the 17 day of January, 2023.

Vote:

Ayes: Hartung, Hill, Herman, Garcia, Clark

Nays: None

Absent: None

[Signature]  
Chair  
Washoe County Commission

ATTEST:  
[Signature]  
County Clerk

This ordinance shall be in force and effect from and after January 27, 2023.

