

ORDINANCE NO. 805

AN ORDINANCE TO AMEND SECTION 1 AND SECTION 4 OF ORDINANCE NO. 756, RELATING TO THE REGULATION AND CONTROL OF VEHICLES AND TRAFFIC BY PROVIDING A BASIC SPEED LAW AND PRIMA FACIE SPEED LIMIT: ESTABLISHING A PRIMA FACIE SPEED LIMIT IN EXCESS OF 25 MILES PER HOUR ON CERTAIN STREETS IN THE CITY OF LAS VEGAS; ESTABLISHING CERTAIN PRESUMPTIONS IN PROSECUTIONS FOR DRIVING A MOTOR VEHICLE WHILE INTOXICATED OR UNDER THE INFLUENCE OF INTOXICATING LIQUORS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE: PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. Section 1 of Ordinance No. 756 is hereby amended to read as follows:

I. Basic Speed Law

No person shall drive a vehicle upon a street or highway at a speed greater than is reasonable or prudent having due regard for the traffic on, and the surface and width of, the street or highway and in no event at a speed which endangers the safety of persons and property.

II. Prima Facie Speed Limit

The speed of any vehicle upon a street or highway not in excess of the limits specified in this section or established as authorized in this Code is lawful unless clearly proved to be in violation of the basic rules declared in Part I hereof.

The speed of any vehicle upon a street or highway in excess of any of the limits specified in this section or established as authorized in this Code is prima facie unlawful. The prima facie limits referred to above are as follows and the same shall be applicable unless changed as authorized in this ordinance, and if so changed, then only when signs have been erected giving notice thereof, in which event the speed designated on the sign shall be the prima facie limit:

A. 15 miles per hour

(1) When passing a school building or the grounds thereof, contiguous to the street or highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit also shall apply when passing any school grounds which are not separated from the street or highway by a fence, gate or any other physical barrier, while such grounds are in use by children.

(2) When traversing a grade crossing of a steam, electric, or any other motor railway, if during the last 100 feet of the approach to such crossing the driver does not have a clear and unobstructed view of such crossing and of any traffic on such railway for a distance of 400 feet in both directions along such railway. This subdivision shall apply in the case of any railway grade crossing where a human flagman is on duty or clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(3) When traversing any intersection of a street or highway if during the last 100 feet of his approach to such intersection the driver does not have a clear and unobstructed view of such intersection and of any traffic upon all of the street or highway entering such intersection for a distance

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of 100 feet along all such street or highway, except on a through street or highway or at a traffic controlled intersection.

- B. 25 miles per hour on all streets and highways unless a different speed limit is posted as set forth in this ordinance or as provided in subsections A, C and D of this section.
- C. 30 miles per hour where signs are erected giving notice thereof, upon those streets or highways or portions thereof described in the following schedule:
- (1) Main Street between Owens Avenue and Las Vegas Boulevard South;
 - (2) Las Vegas Boulevard South between Main Street and San Francisco Avenue.
- D. 35 miles per hour when signs are erected giving notice thereof, upon those streets or highways or portions thereof described in the following schedule:
- (1) ON SAN FRANCISCO AVENUE for its entire length in the City;
 - (2) ON FREMONT STREET, commonly known as Boulder Highway, beginning at Atlantic Avenue east to the east City limits;
 - (3) Charleston Boulevard between Upland Boulevard and Nellis Boulevard;
 - (4) Decatur Boulevard between Charleston Boulevard and Vegas Drive;
 - (5) Bonanza Road between Tonopah Highway and Nellis Boulevard;
 - (6) Rancho Road between Charleston Boulevard and Bonanza Road;
 - (7) North 25th Street between Charleston Boulevard and Owens Avenue;
 - (8) Tonopah Highway between Bonanza Road and Vegas Drive.

SECTION 2. Section 4 of Ordinance No. 756 is hereby amended to read as follows:

In any criminal prosecution for a violation of this ordinance relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

- (a) If there was at that time less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
- (b) If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That if any one or more sections, sentences, clauses or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance, in any one or more instances shall not affect or


prejudice in any way the applicability and validity of this ordinance in any other instances.

SECTION 5. This ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

SECTION 6. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its first reading and adoption in the Las Vegas Review Journal, a daily newspaper published in the City of Las Vegas.


ORAN K. GRAGSON, Mayor

ATTEST:


~~Acting~~ City Clerk
Marjorie Holtschlag

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of August, 1959, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter said committee reported favorably on said ordinance on the 19th day of August, 1959; which was a regular meeting; that at said meeting held on said day the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:


Voting "Aye": Commissioners Fountain, Sharp, Whipple and Mayor Gragson

Voting "Nay": None ABSENT: Commissioner Elwell

APPROVED:


ORAN K. GRAGSON, Mayor

ATTEST:


~~Acting~~ City Clerk
Marjorie Holtschlag

ORDINANCE NO. 225
AN ORDINANCE TO AMEND SECTION 1 AND SECTION 4 OF ORDINANCE NO. 756, RELATING TO THE REGULATION AND CONTROL OF VEHICLES AND TRAFFIC BY PROVIDING A BASIC SPEED LAW AND PRIMA FACIE SPEED LIMIT; ESTABLISHING A PRIMA FACIE SPEED LIMIT IN EXCESS OF 25 MILES PER HOUR ON CERTAIN STREETS IN THE CITY OF LAS VEGAS; ESTABLISHING CERTAIN PRESUMPTIONS IN PROSECUTIONS FOR DRIVING A MOTOR VEHICLE WHILE INTOXICATED OR UNDER THE INFLUENCE OF INTOXICATING LIQUORS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.
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 The speed of any vehicle upon a street or highway in excess of any of the limits specified in this section or established as authorized in this Code is prima facie unlawful. The prima facie limits referred to above are as follows and the same shall be applicable unless changed as authorized in this ordinance, and if so changed, then only when signs have been erected giving notice thereof, in which event the speed designated on the sign shall be the prima facie limit:
A. 15 miles per hour
 (1) When passing a school building or the grounds thereof, contiguous to the street or highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit also shall apply when passing any school grounds which are not separated from the street or highway by a fence, gate or any other physical barrier, while such grounds are in use by children.
 (2) When traversing a grade crossing of a steam, electric, or any other motor railway, if during the last 100 feet of the approach to such crossing the driver does not have a clear and unobstructed view of such crossing and of any traffic on such railway for a distance of 400 feet in both directions along such railway. This subdivision shall apply in the case of any railway grade crossing where a human flagman is on duty or clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.
 (3) When traversing any intersection of a street or highway if during the last 100 feet of his approach

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,) ss:
 COUNTY OF CLARK)

A. F. Schellack, being first duly sworn deposes and says, That he is Foreman of the LAS VEGAS REVIEW-JOURNAL, a daily newspaper, of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in

said newspaper for a period of Two (2) insertions from August 23, 1959 to August 30, 1959

inclusive, being the issues of said newspaper for the following dates, to-wit:

August 23, 30, 1959

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED *A. F. Schellack*
 A. F. Schellack, Foreman

Subscribed and sworn to before me this 30th day of August 19 59

Walter J. ...
 NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA
 My Commission Expires April 14, 1962

At such intersection the driver does not have a clear and unobstructed view of such intersection and of any traffic upon all of the street or highway entering such intersection for a distance of 100 feet along all such street or highway, except on a through street or highway or at a traffic controlled intersection.

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SECTION 4. That if any one or more sections, sentences, clauses or parts of this ordinance shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance, in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instances.

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SECTION 6. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its first reading and adoption in the Las Vegas Review-Journal, a daily newspaper published in the City of Las Vegas.

ORAN K. GRAGSON, Mayor

ATTEST:
Marjorie Holschlag
City Clerk

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Voting "Aye": Commissioners Fountain, Sharp, Whipple, and Mayor Gragson
Voting "Nay": None
Absent: Commissioner Elwell

ORAN K. GRAGSON, Mayor

ATTEST:
Marjorie Holschlag
City Clerk
Aug. 23, 30