

FIRST AMENDMENT

BILL NO. 81-38

ORDINANCE No. 2173

AN ORDINANCE TO AMEND TITLE 10, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY REPEALING ALL OF EXISTING CHAPTER 23; BY ADOPTING A NEW CHAPTER 23 ENTITLED "DRIVING UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE" PROVIDING FOR PENALTIES FOR THE FIRST AND SUBSEQUENT OFFENSE THEREOF AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored By:

Commissioner Ron Lurie

Intent: Repeals Title 10, Chapter 23 and adds new Title 10, Chapter 23 providing an enhanced punishment for driving under the influence of an intoxicating liquor or a controlled substance.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by repealing Chapter 23 in its entirety.

SECTION 2: Title 10, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding a new Chapter 23 entitled "Driving under the influence of an intoxicating liquor or a controlled substance" to read as follows:

10-23-1: Any person who violates any City ordinance corresponding to NRS 484.379(1) or NRS 484.379(2), and who has not been convicted of a violation of such ordinance or any law which prohibits the same conduct as that prohibited by NRS 484.379(1), NRS 484.379(2) or NRS 484.3795 in any jurisdiction within 5 years before the violation took place, is guilty of a misdemeanor. Except as provided in 10-23-3, the court shall order him to pay tuition for and attend courses on the use and abuse of alcohol and controlled substances approved by the Nevada Department of Motor Vehicles, shall fine him not less than \$100 or more than the maximum fine permitted for a misdemeanor, and may sentence him to impri-

1 sonment in the City jail for not more than 6 months. The
2 court may order the Nevada Department of Motor Vehicles to
3 suspend his driver's license for a definite period of not
4 less than 30 days nor more than 1 year and not to allow him
5 any limited driving privileges unless his inability to drive
6 to and from work or in the course of his work would cause
7 extreme hardship or prevent his earning a living.

8 10-23-2: Any person who violates any City ordinance corresponding
9 to NRS 484.379(1) or NRS 484.379(2) within 5 years after
10 having once been convicted in any jurisdiction of a violation
11 of NRS 484.379(1), NRS 484.379(2), NRS 484.3795 or any other
12 law which prohibits the same conduct is guilty of a mis-
13 demeanor. Except as provided in 10-23-3, the court shall
14 sentence him to imprisonment for not less than 10 days nor
15 more than 6 months in the City jail, fine him not less than
16 \$500 nor more than the maximum fine permitted for a mis-
17 demeanor and direct the Nevada Department of Motor Vehicles
18 to suspend his driver's license for a period specified in the
19 order which must be not less than 6 months and not allow him
20 any limited driving privileges unless his inability to drive
21 to and from work or in the course of his work would cause
22 extreme hardship or prevent his earning a living.

23 10-23-3: A person who has been convicted of a violation of any
24 City ordinance corresponding to NRS 484.379(1) or
25 NRS 484.379(2) may elect to undergo treatment approved by the
26 court for at least 1 year if:

27 (A) He is classified as an alcoholic or abuser of drugs
28 by a:

29 (1) Counselor certified to make that classifica-
30 tion by the Nevada Bureau of Alcohol and Drug Abuse of
31 the Rehabilitation Division of the Department of Human
32 Resources; or

1 (2) Physician certified to make that classifica-
2 tion by the State Board of Medical Examiners;

3 (B) He agrees to pay the costs of the treatment;

4 (C) He has served a term of imprisonment in the county
5 jail of:

6 (1) Five days if it is his second conviction; or

7 (2) Thirty days if it is his third conviction, of
8 violating NRS 484.379(1), NRS 484.379(2), NRS 484.3795,
9 or a law which prohibits the same conduct, within 5
10 years, in any jurisdiction; and

11 (D) The court orders the Nevada Department of Motor
12 Vehicles to suspend his driver's license for a period spe-
13 cified in the order which must not be less than 90 days and
14 not more than the time required to complete the treatment.
15 The court may not allow him any limited driving privileges
16 unless his inability to drive to and from work or in the
17 course of his work would cause extreme hardship or prevent
18 his earning a living.

19 A person may elect treatment pursuant to this Section or
20 pursuant to NRS 484.379(6) only once in any period of 5
21 years.

22 10-23-4: If a person who has elected and qualified for treatment
23 pursuant to 10-23-3:

24 (A) Fails to complete the treatment satisfactorily, he
25 must be sentenced to the fine and imprisonment to which he
26 would have been sentenced had he not elected treatment. The
27 sentence of imprisonment must be reduced by a time equal to
28 that which he served before beginning treatment.

29 (B) Completes the treatment satisfactorily, he may not
30 be sentenced further, but the conviction shall remain on his
31 record of criminal history.

32 10-23-5: No sentence imposed for violating the provisions of any

1 City ordinance corresponding to NRS 484.379(1) or
2 NRS 484.379(2) may be suspended, nor may any program of edu-
3 cation, counseling or treatment be ordered or permitted
4 before conviction. No prosecuting attorney may dismiss a
5 charge of violating the provisions of any City ordinance
6 corresponding to NRS 484.379(1) or NRS 484.379(2) in exchange
7 for a plea of guilty or nolo contendere to a lesser charge or
8 for any other reason unless he knows or it is obvious that
9 the charge is not supported by probable cause or cannot be
10 proved at the time of trial.

11 10-23-6: Any term of confinement imposed under the provisions of
12 this Chapter may be served intermittently at the discretion
13 of the judge. This discretion must be exercised after con-
14 sidering all the circumstances surrounding the offense, and
15 the family and employment of the person convicted, but any
16 sentence of 30 days or less must be served within 6 months
17 from the date of conviction or within 6 months after the date
18 of sentencing if the person elected to undergo treatment pur-
19 suant to 10-23-3. Any segment of time the person is confined
20 must not consist of less than 24 hours.

21 SECTION 3: If any section, subsection, subdivision,
22 paragraph, sentence, clause or phrase in this Chapter or any part
23 thereof, is for any reason held to be unconstitutional or invalid
24 or ineffective by any court of competent jurisdiction, such deci-
25 sion shall not affect the validity or effectiveness of the
26 remaining portions of this Chapter or any part thereof. The
27 Board of Commissioners of the City of Las Vegas hereby declares
28 that it would have passed each section, subsection, subdivision,
29 paragraph, sentence, clause or phrase thereof irrespective of the
30 fact that any one or more sections, subsections, subdivisions,

31 . . .

32 . . .

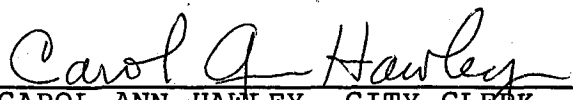
1 paragraphs, sentences, clauses or phrases be declared unconstitu-
2 tional, invalid or ineffective.

3 PASSED, ADOPTED and APPROVED this 15th day of July,
4 1981.

5 APPROVED:

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8 WILLIAM H. BRIARE, MAYOR

9 ATTEST:

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11 CAROL ANN HAWLEY, CITY CLERK
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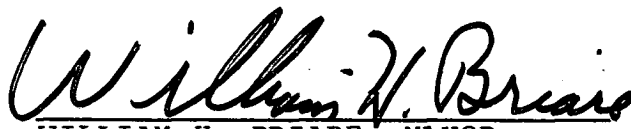
1 The above and foregoing ordinance was first proposed and
2 read by title to the Board of Commissioners on the 1st day of
3 July, 1981, and referred to the following committee
4 composed of Commissioners Lurie
5 and Christensen for
6 recommendation; thereafter the said committee reported favorably
7 on said ordinance on the 15th day of July, 1981,
8 which was a Regular meeting of said Board; that at said
9 Regular meeting, the proposed ordinance was read by
10 title to the Board of Commissioners as amended and adopted by the
11 following vote:

12 VOTING "AYE" Commissioners: Christensen, Levy and Mayor Briare

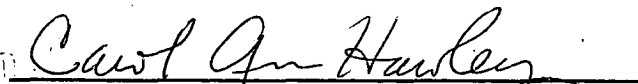
13 VOTING "NAY" Commissioners: None

14 ABSENT: Commissioners Lurie and Woofter

15 APPROVED:

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17 WILLIAM H. BRIARE, MAYOR
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19 ATTEST:

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21 CAROL ANN HAWLEY, CITY CLERK
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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

_____, being first duly sworn,
Rex Taylor

deposes and says: That he is Composing Room Foreman of the
LAS VEGAS SUN, 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

from July 18 to July 18

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

July 18

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

Signed

Rex Taylor

Subscribed and sworn to before me this
day of

July 18, 1981

Notary Public in and for Clark County, Nevada
ROBERT W. DESKIN

My Commission Expires



Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985

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ADOPTING A NEW CHAPTER
23 ENTITLED "DRIVING UNDER
THE INFLUENCE OF AN
INTOXICATING LIQUOR OR A
CONTROLLED SUBSTANCE"
PROVIDING FOR PENALTIES
FOR THE OTHER MATTERS
PROPERLY RELATING
THERE TO.

Sponsored By:

Commissioner Ron Lurie

Intent: repeals Title 10, Chapter
23 and adds new Title 10,
Chapter 23 providing an
enhanced punishment for driving
under the influence of an
intoxicating liquor or a controlled
substance.

The above and foregoing
amended ordinance was first
proposed and read by title to
the Board of Commissioners on
the 1st day of July, 1981, and
referred to the following committee
composed of Commissioners Lurie
and Christensen, for recommendation;
thereafter the said committee
reported favorably on said
amended ordinance on the
15th day of July, 1981 which
was a Regular meeting of said
board that at said Regular
meeting the proposed ordinance
was read by title to the
Board of Commissioners as
amended and adopted by the
following vote.

VOTING "AYE" Commissioners:
Christensen, Levy and Mayor Briare

VOTING "NAY" Commissioners: None

ABSENT: Commissioners Lurie
and Wootter

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY
CLERK, 10TH FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA

Pub: July 18, 1981
Las Vegas SUN

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AND PROVIDING FOR OTHER
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THERE TO

Sponsored By:
Commissioner Ron Lurie
INTENT: Repeals Title 10,
Chapter 23 and adds new Title
10, Chapter 23 providing an
enhanced punishment for driving
under the influence of an
intoxicating liquor or a controlled
substance.
At a Commission Meeting on
JULY 1, 1981
BILL NO. 81-38 WAS READ BY
TITLE AND REFERRED TO RECOMMENDING
COMMITTEE:
COMMISSIONER Lurie and
Christensen.
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
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IN THE OFFICE OF THE CITY
CLERK, 10TH FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA. PUB: July 8, 1981
Las Vegas SUN

STATE OF NEVADA,
COUNTY OF CLARK

ss.

Rex Taylor, being first duly sworn,

deposes and says: That he is Composing Room Foreman of the
LAS VEGAS SUN, 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

from July 8

to July 8

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

July 8

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

Signed

Rex Taylor

Subscribed and sworn to before me this 8th
day of July, 1981

Notary Public



Notary Public in and for the State of Nevada,
County of Clark

My Commission Expires

Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985

RECEIVED

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CITY CLERK

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