

STAFF REPORT

Date: November 8, 2017

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **1.3. Staff Report (For Possible Action): Ordinance Repeal - Bill No. _____ Ordinance to repeal Title 8, Chapter 8.10, Section 8.10.100 of the Reno Municipal Code entitled "Registers Open for Inspection"; together with other matters properly relating thereto.**

From: Brian Sooudi, Assistant City Attorney

Summary: This is a Repeal of a section in the Reno Municipal Code that has been in place since 1997 that made it a misdemeanor crime for anyone who failed to provide upon request a registration book as required to be maintained under Section 8.10.080. Anyone who maintains or controls any hotel, apartment house, tenement, rooming house, auto court, or other house or establishment where rooms for lodging are available must maintain up to date registration books of their tenants. The section being repealed 8.10.100 allowed law enforcement to cite or arrest an individual who refused to provide a copy of the registration book upon demand.

Background: A similar ordinance out of Los Angeles was challenged in the United States Supreme Court and was ruled unconstitutional. City of Los Angeles v. Patel, 135 S.Ct. 2433 (2015). The U.S. Supreme Court ruled that the ordinance violated the Fourth Amendment as an unreasonable search. This Repeal would not prevent law enforcement from viewing the registration books, but does require them to have probable cause and seek a search warrant minus consent from the establishment.

Financial Implications: None at this time.

Legal Implications: Legal review completed for compliance with City procedures and Nevada Law.

Recommendation: Staff recommends Council refer Bill No. _____ for a second reading and adoption.

Proposed Motion: I move to refer Bill No. _____ for a second reading and adoption.

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO.

ORDINANCE NO.

ORDINANCE TO REPEAL TITLE 8, CHAPTER 8.10, § 8.10.100 OF THE RENO MUNICIPAL CODE ENTITLED “REGISTERS OPEN FOR INSPECTION”; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1. Title 8, Chapter 8.10, § 8.10.100 of the Reno Municipal Code is hereby repealed to read as follows:

~~Sec. 8.10.100. Registers open for inspection.~~

~~Every register or registration system kept in compliance with the provisions of this chapter shall, upon demand, be open for inspection or investigation by the chief of police, or his designee, or for the inspection or investigation of any of the military police or any officer in any of the military police, or any officer in any of the armed naval or military services of the United States of America, or any agents of the Federal Bureau of Investigation, at any and all times.]~~

SECTION 2. The Reno City Council hereby finds that this repeal is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Repeal shall be in effect on _____, from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Repeal published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, 201__, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of _____, 201__.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY COUNCIL
OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE: