

STAFF REPORT

Date: December 6, 2017

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **J.1. Staff Report (For Possible Action): Presentation, discussion and potential direction to staff 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. This item was continued from the November 15, 2017 City Council meeting.**

From: Brian Sooudi, Assistant City Attorney

Summary: Staff proposes 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 proposed for repeal - 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 accept the staff report and direct staff to bring an ordinance forward for a first reading.

Proposed Motion: I move to approve staff recommendation.