



CITY OF SPARKS
REQUEST TO ADDRESS THE CITY COUNCIL

Date: 1/22/12 Agenda Item No. _____

Name: Ardona Perry

Address (Optional) _____

City/State/Zip Code (Optional) _____

Phone (Optional) _____

I represent (Optional) _____

I am in attendance concerning: _____

[] I do not wish to speak, but wish to note my position in favor _____ or in opposition _____

[] I wish to speak (for use by city: comment was in favor _____ or in opposition _____)

Rules - Addressing the Council - The meetings conducted by the Sparks City Council in the City of Sparks Legislative Building are not public forums. The presiding officer will enforce viewpoint neutral procedural rules to ensure orderly conduct during that portion of the Agenda set aside for Public Comment. In order to allow the City Clerk to properly document those individuals speaking to the City Council, persons desiring to address the Council shall first provide the City Clerk with a written request to address the Council so they may be recognized by the presiding officer.

Manner of Addressing the Council - In order to conduct orderly, efficient, effective and dignified meetings that promote a governmental purpose with a governmental process, public comment may address any agenda item or other public issue that the City Council has the authority to effectuate or exercise control over. Public comment on matters beyond the City Council's scope of authority, not relevant to Council business, does not invoke a governmental process nor serve a governmental purpose and is contrary to the effective, efficient and orderly business conducted by the Sparks City Council, is not permitted. When called by the presiding officer, each person addressing the Council shall step up to the microphone, give his/her name and limit the time of his/her presentation to three (3) minutes. All public comment remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Council members, except through the presiding officer. Speakers shall avoid undue repetition of points previously presented to the Council.

Sound Amplification - The City of Sparks Provides sound amplification during its public meetings for the convenience of the speakers and the audience. Sound amplification, if enhanced by yelling or shouting can cause hearing and equipment damage. Public speakers using the sound amplification shall not disrupt the meeting by yelling or shouting into the microphone while addressing the City Council.


Disruptive Conduct - Any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical may be removed from the meeting by order of the presiding officer. A person willfully disrupts a meeting when he/she (1) uses physical violence, or threatens the use of physical violence or (2) continues to use loud, boisterous, unruly or provocative behavior after being asked to stop, which behavior is determined by the presiding officer, or a majority of the Council present, to be disruptive to the orderly conduct of the meeting or (3) fails to comply with any lawful decision or order of the presiding officer or of a majority of the Council relating to the orderly conduct of the meeting.

The intent on this date was to destroy a business, failing that, a forced acceptance of locally provided inventory from shelter.



Washoe County District Attorney



CHRISTOPHER J. HICKS
DISTRICT ATTORNEY


October 19, 2015 

Shyanne Schull
Director of Washoe County Regional Animal Services
2825 Longley Lane, Suite A
Reno, Nevada 89502

Re: Commercial Animal Welfare Permit Ordinance

Dear Ms. Schull:

As Director of Washoe County Regional Animal Services ("WCRAS"), you have asked for a legal opinion on whether Washoe County can prohibit pet shops from selling dogs and cats, or in the alternative, whether Washoe County can prohibit pet shops from selling dogs and cats obtained from breeders (versus humane organizations/county animal shelter, etc.).  

It is my understanding that WCRAS would like to consider these options for several reasons, such as, but not limited to: (1) preventing cruelty to animals by ensuring that animals sold within Washoe County are not sourced from inhumane "puppy mills;"¹ (2) preventing overpopulation of animals by increasing Washoe County's consumer demand for animals impounded at WCRAS or humane organizations (strays, returned animals, etc.); and (3)  protecting Washoe County's consumers from buying sick animals sourced from "puppy mills."

I have reviewed the emails you forwarded me from Mr. Billy Howard with Puppy Mill Free Reno/Sparks/Washoe. It is clear he is very passionate about the "puppy mill" issue. As I interpret Mr. Howard's July 10, 2015 email, he alleges that 88 local governments have enacted ordinances regulating the sales of dogs and cats in retail establishments. (Presumably, this number reflects complete bans of dog and cat sales as well as partial bans which allow sales of dogs and cats obtained from acceptable procurement sources). In Mr. Howard's July 27, 2015

¹ The term "puppy mill" generally refers to high-volume breeding operations populated by poorly treated female dogs that are overbred, caged, improperly exercised, and that receive minimal health care. See *A Local Approach* at 380.











Perhaps The County / City should consider using office for personal agenda.

s is from 2015, it was distributed to BCC & upper level sta as given a copy by a recipient with authority to do so.

COUNSEL'S RECOMMENDATION

In analyzing whether Washoe County may legally prohibit pet shop sales of puppies from breeders, *Puppies 'N Love v. City of Phoenix* is by far the case to watch. Although the district court judge found that the Phoenix ordinance did not violate the Dormant Commerce Clause, the judge essentially based its decision on the fact that the pet shop had not met its evidentiary burden—not necessarily that the pet shop's arguments were legally unsound. Had the pet shop developed the factual record a bit more, I'm not *positive* that the Court would have made the same decision. This case is currently on appeal in the Ninth Circuit. The Ninth Circuit's ruling will become the law in Nevada. If the Ninth Circuit affirms the district judge's opinion, then Washoe County should feel legally free to enact a similar ordinance. Although I suspect the Phoenix ordinance will be upheld, I recommend that Washoe County wait until the Ninth Circuit rules before taking this regulatory action.

In the meantime, WCRAS has a few different options:

1. Bring forward the Commercial Animal Welfare Permit as scheduled, but hold off on regulating the source of dogs and cats sold in retail establishments (proposed WCC 55.455(6)).
 - o It is my understanding that we currently have no regulation of commercial animal establishments (other than basic health/well-being of animals).
 - o If WCRAS can get the Commercial Animal Welfare Permit passed (minus the provision on acceptable procurement sources), then WCRAS can: get the permit system up and running, work out any kinks with business licensing in the local jurisdictions, discover the source of dogs and cats in retail establishments through record-keeping requirements.          
2. Bring forward the Commercial Animal Welfare Permit ordinance as scheduled, but place regulations on the source of dogs and cats in retail establishments that should not offend the Dormant Commerce Clause or require a business impact process. Currently, the proposed ordinance lists:
 - o Humane groups organized as legal entities in accordance with NRS 574.010 through 574.040
 - o USDA licensed breeders
 - o A nationally recognized breed registry approved by regional animal services.
 - In further review, it is my legal opinion that we need to change this third option. The statute must be sufficiently precise to put

his shows intent to search records¹¹ via an "inspection" process incriminate a business based on procurement of legal inventor