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SECOND AMENDMENT

BILL NO. 2015-98

ORDINANCE NO. 6491

AN ORDINANCE TO PROHIBIT PET SHOPS FROM SELLING OR DISPOSING OF DOGS, CATS OR POTBELLIED PIGS OTHER THAN THOSE OBTAINED FROM AN ANIMAL CARE FACILITY OR NONPROFIT ANIMAL RESCUE ORGANIZATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Beers
Councilman Bob Coffin

Summary: Prohibits pet shops from selling or disposing of dogs, cats or potbellied pigs other than those obtained from an animal care facility or nonprofit animal rescue organization.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: Title 7, Chapter 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 315, reading as follows:

7.40.315: (A) No pet shop shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of a dog, cat or potbellied pig, except for a dog, cat or potbellied pig obtained from, or displayed in cooperation with, an animal care facility or nonprofit animal rescue organization.

(B) Each pet shop shall maintain records sufficient to document the source of each dog, cat or potbellied pig the pet shop acquires, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to law enforcement officers and other City employees charged with enforcement of this Title.

(C) To the extent that a pet shop is in compliance with the requirements of Subsections (A) and (B) of this Section, the Animal Regulation Officer may exempt that pet shop from compliance with any of the requirements set forth in Sections 7.40.270 to 7.40.310, inclusive, that would otherwise apply with respect to a particular animal.

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1 (D) For purposes of this Section:

2 (1) "Animal care facility" means the Animal Control Center or any other
3 facility:

4 (a) That is operated by, or under contract with and on behalf of, any
5 unit of state or local government; and

6 (b) Whose mission and practice consists, in whole or significant part,
7 of the rescue and placement of animals in permanent homes.

8 (2) "Nonprofit animal rescue organization" means any nonprofit organization
9 which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and whose mission and
10 practice consists, in whole or significant part, of the rescue and placement of animals in permanent homes.

11 SECTION 3: Pet shop businesses existing on January 6, 2016, shall have two years
12 within which to comply with the provisions of this Ordinance.

13 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
14 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
15 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
17 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
18 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
19 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

20 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
21 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
22 Edition, in conflict herewith are hereby repealed.

23 ...

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PASSED, ADOPTED and APPROVED this 6th day of January, 2016.

By CG Goodman
CAROLYN G. GOODMAN, Mayor


LUANN D. HOLMES, MMC
City Clerk


Val Steed, _____ Date _____
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 18th day of November, 2015, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 6th day of
4 January, 2016, which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by
6 the following vote:

7 VOTING "AYE": Councilmembers Tarkanian, Anthony, Coffin and Beers

8 VOTING "NAY": Mayor Goodman and Councilmembers Ross and Barlow

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

MEMO

From Mayor Carolyn G. Goodman

TO: LuAnn Holmes, MMC

From: Carolyn G. Goodman, Mayor



Date: January 12, 2016

Re: Statement of Carolyn Goodman

Today I have signed Ordinance No. 6491. I opposed this legislation, and I wish to have a statement attached to the ordinance. I recognize that my statement is not part of the official record, but I wish to have my reasons for opposing the ordinance as well as my reasons for signing made available to the public.

Thank you for your assistance.

STATEMENT OF MAYOR CAROLYN GOODMAN

This statement will memorialize my opposition to the attached ordinance and the reason I have signed it in spite of my opposition.

This law presents a rare situation that involves the government of the City of Las Vegas legislating what a commercial vendor can have on their shelves based on perceived social benefit. Local pet stores will no longer be able to sell animals obtained from a breeder, but the breeder may sell directly to the public. This alone indicates that the Council does not have a problem with legitimate animal breeders.

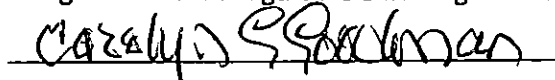
I am adamantly opposed to puppy mills. As an animal lover, I strongly support laws that protect animals and promote their ethical treatment. This law does neither. According to testimony from Deputy Director Tim Shattler, the two pet stores that are affected by this law do not buy animals from puppy mills. In fact, there was testimony that there are no puppy mills in Nevada. If true, then this Council is attempting a fix to a problem that does not exist. I do not believe that this will reduce the number of shelter animals and will not reduce puppy mills. It will damage two businesses and will take away an individual's right to purchase the animal they want. It makes one ponder how far a city may go in regulating what consumers can and cannot purchase from a legitimate business.

The City of Phoenix adopted a very similar ordinance. Phoenix was sued in federal court by a pet store called "Puppies 'N Love". Phoenix prevailed and the case is on appeal to the Ninth Circuit.

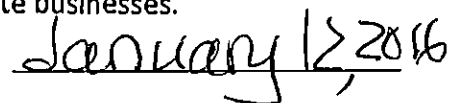
In its conclusion, the Court stated:

Puppies 'N Love appears to be an exemplary pet store. The store avoids buying from puppy mills and works hard to ensure that its puppies have been raised in a human and caring environment. No doubt, the burden of the Ordinance will fall hard on the Puppies 'N Love store in Phoenix. But the Court's place is not to judge the wisdom or fairness of the City's decision to pass the Ordinance. Rather, the Court may judge only whether the Ordinance conflicts with the constitutional provisions Plaintiffs have cited. There being no conflict between the Ordinance and the United States and Arizona Constitutions, the Court must uphold the Ordinance.

I believe that the burden of this ordinance will "fall hard" on local pet stores. Having said this, the Mayor of Las Vegas does not have veto power over legislation. Like the court in Phoenix, I have an obligation to carry out the duties of the Mayor as proscribed by the Charter. Therefore, I am signing Ordinance No. 6491, but I do so with great concern that this council has not solved a problem and has opened the door to future legislation that regulates sale of goods and service in legitimate businesses.



Carolyn G. Goodman, Mayor of Las Vegas



Date

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000681249

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/03/2015 to 12/03/2015, on the following days:

12 / 03 / 15

BILL NO. 2015-98

AN ORDINANCE TO PROHIBIT PET SHOPS FROM SELLING OR DISPOSING OF DOGS, CATS OR POTBELLED PIGS OTHER THAN THOSE OBTAINED FROM AN ANIMAL SHELTER, NONPROFIT HUMANE SOCIETY OR NONPROFIT ANIMAL RESCUE ORGANIZATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Beers, Councilman Bob Coffin
Summary: Prohibits pet shops from selling or disposing of dogs, cats or potbellied pigs other than those obtained from an animal shelter, nonprofit humane society or nonprofit animal rescue organization.

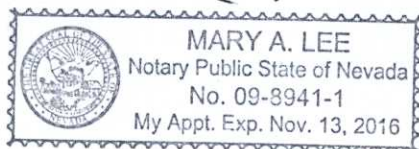
At the City Council meeting of November 18, 2015 BILL NO. 2015-98 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: December 3, 2015
LV Review-Journal

/s/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of December, 2015

Notary Mary Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000706205

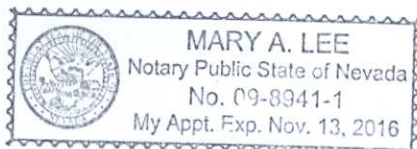
Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/09/2016 to 01/09/2016, on the following days:

01 / 09 / 16

IS/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 11th day of January, 2016

Notary Mary Lee



SECOND AMENDMENT

BILL NO. 2015-98
ORDINANCE NO. 6491

AN ORDINANCE TO PROHIBIT PET SHOPS FROM SELLING OR DISPOSING OF DOGS, CATS OR POTBELLED PIGS OTHER THAN THOSE OBTAINED FROM AN ANIMAL CARE FACILITY OR NONPROFIT ANIMAL RESCUE ORGANIZATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Bob Beers
Councilman Bob Coffin
Summary: Prohibits pet shops from selling or disposing of dogs, cats or potbellied pigs other than those obtained from an animal care facility or nonprofit animal rescue organization.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of November 2015 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of January 2016, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and was adopted by the following vote:

VOTING "AYE": Councilwoman Tarkanian and Councilmembers Anthony, Coffin, and Beers
VOTING "NAY": Mayor Goodman, Councilmembers Ross and Barlow
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: Jan. 9, 2016
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