

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCENIC NEVADA, INC.,
Appellant,
vs.
CITY OF RENO, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,
Respondent.

No. 65364

FILED

SEP 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
CHIEF DEPUTY CLERK

ORDER DENYING REHEARING

Appellant Scenic Nevada, Inc., petitions the court for rehearing. Scenic argues that the 2012 Digital Ordinance did not reenact but merely amended the earlier Conforming and Banking Ordinances and that, under NRS 0.023, the latter should be construed as a continuation of the unconstitutional prior laws.¹

We deny rehearing for three reasons. First, as the City points out, it is doubtful whether NRS 0.023 applies, since NRS 0.010 states that NRS Chapter 0, in which NRS 0.023 appears, “provides definitions and declarations of legislative intent which apply to Nevada Revised Statutes as a whole,” which do not include the municipal ordinances involved in this appeal. Second, assuming NRS 0.023 applies, its history suggests it addresses recodifications of existing laws—instances in which “the statute is just being readopted in its entirety with no change,” Hearing on A.B. 542 Before the Assembly Comm. on Elections, Procedures, & Ethics, 72nd

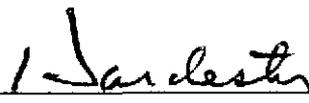
¹The Honorable Nancy M. Saitta, Justice, having retired, this petition for rehearing was decided by a six-justice court.

Leg. (Nev., April 15, 2003)—whereas here, the 2012 Digital Ordinance effected substantive changes to the Conforming and Banking Ordinances, amounting to more than mere recodification. See RMC 18.16.905(n)(14)(f); RMC 18.16.908(e)(3); see also RMC 18.16.902(b) (adding “unless further provided herein” to section, thereby incorporating other provisions). Third, and finally, the authorities on which the court relied for its holding that the 2012 Digital Ordinance cured the initiative provision violation in the Conforming and Banking Ordinances do not make the distinction between amendment and reenactment that Scenic suggests.

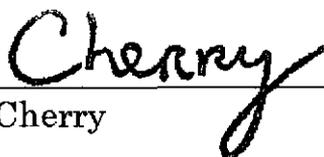
We therefore deny rehearing under NRAP 40(c).

It is so ORDERED.

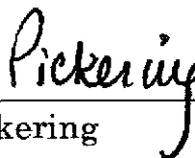

Parraguirre, C.J.


Hardesty, J.


Douglas, J.


Cherry, J.


Gibbons, J.


Pickering, J.

cc: Hon. Patrick Flanagan, District Judge
Law Offices of Mark Wray
Reno City Attorney
Washoe District Court Clerk